

MONTANA

Lyman E. Ferry, Somers.
Harrison M. Sperry, Townsend.

NEBRASKA

Irving E. Tilgner, Lewellen.

OKLAHOMA

Gail E. Wing, Camargo.
George Wehrenberg, Lovell.

PENNSYLVANIA

Thomas McLeister, Philadelphia.

WASHINGTON

Charles T. LeWarne, Bellevue.
Walter M. Hubbell, Spokane.

HOUSE OF REPRESENTATIVES

TUESDAY, DECEMBER 9, 1930

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lord God of our fathers, accept our recognition of our low estate. Thou knowest us altogether, and yet Thou art so mindful of us. O fill our minds with the blessedness of our Heavenly Father, who is so rich in goodness, pity, and love; in gratitude turn our faces toward the heights. Work marvels in lives transfigured and in our country reborn until our whole land shall be made so new that the ragged edges of unemployment shall hurt no more. Just now we wait with pleading lips as we ask: "O Lord, what wilt Thou have us do?" O breathe a holy psalm of love and sacrifice into all breasts and, Holy Spirit, brood over us and lead us all the way. Through Christ, the Good Samaritan. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House to the bill (S. 328) entitled "An act for the relief of Edward C. Dunlap."

The message also announced that the Vice President had appointed Mr. Smoot and Mr. Simmons members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

The message also announced that the Vice President had appointed Mr. Nye and Mr. Pittman members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

The message also announced that the Vice President had appointed Mr. Phipps and Mr. McKellar members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Post Office Department.

LAURA A. DEPODESTA

Mr. IRWIN. Mr. Speaker, by direction of the Committee on Claims I ask unanimous consent to take from the Speaker's table the bill (H. R. 1759) for the relief of Laura A. DePodesta, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 11, after the word "death," insert "said sum to be in full settlement of all claims for damages against the Government on account of the death of her husband."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendment was agreed to.

DAVID M'D. SHEARER

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1825) for the relief of David McD. Shearer, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 17, strike out "will" and insert "willow."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendment was agreed to.

MUSCLE SHOALS

Mr. TAYLOR of Tennessee. Mr. Speaker, I would like to ask a parliamentary question. I would like to know what progress is being made by our conferees on the Muscle Shoals legislation.

The SPEAKER. The Chair does not think that is a parliamentary inquiry.

Mr. GARNER. Mr. Speaker, I want to ask a parliamentary question and I think I can bring it within parliamentary rules. The Muscle Shoals bill is in conference; does the Speaker have the power to remove the conferees and substitute other conferees or does the House have that power?

The SPEAKER. The Chair would be inclined to think that under the conditions, the Senate being entitled to the papers, the House would not have power to discharge the managers on the part of the House until they had made some report.

Mr. GARNER. Now, Mr. Speaker, in order to have the matter clearly understood, if the House had the papers, then the House would have the power, as I understand it, to discharge its conferees and recall the papers to the House of Representatives. Would the Speaker himself have the power to discharge the conferees and appoint new conferees?

The SPEAKER. After some consideration, the Chair thinks the Chair himself would not have that power.

Mr. GARNER. So now the parliamentary situation is such that the House can not take action under any conditions until the Senate takes action with respect to Muscle Shoals?

The SPEAKER. The Senate being properly in possession of the papers, the House can not take that action.

EMERGENCY CONSTRUCTION

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment.

The Clerk read the title of the bill.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry. Does this require unanimous consent?

The SPEAKER. The Chair is inclined to think it does.

Mr. HOWARD. Mr. Speaker, what is it, please?

The SPEAKER. Without objection, the Clerk will again report the bill.

The Clerk again read the title of the bill.

Mr. HOWARD. Sufficiency.

Mr. STAFFORD. Mr. Speaker, may I inquire whether it is the purpose of the chairman of the committee to have this bill considered in the House as in Committee of the Whole?

Mr. WOOD. No; I am going to move to go into Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the present consideration of the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment; and pending that motion, I would like to come to an agreement with the gentleman from Tennessee [Mr. BYRNS] with reference to the time to be occupied in general debate and with respect to having all debate confined to the bill. How much time does the gentleman want?

Mr. BYRNS. I may suggest to the gentleman that I want to make a few observations myself, but I do not believe anybody over here wants to talk on the bill; at least, they have not so notified me. I suggest to the gentleman that we go into the Committee of the Whole House on the state of the Union for the consideration of this bill, and that will give the gentleman one hour and myself one hour.

Mr. WOOD. I do not think we need that much time.

Mr. BYRNS. I do not think so either.

Mr. GARNER. You do not have to use all of it.

Mr. BYRNS. I would hate to cut off anybody who desired to speak on the bill.

Mr. CHINDBLOM. If the gentleman will permit, there would be no saving of time by simply going into Committee of the Whole House on the state of the Union, because if any other Member obtained the floor, he would also be recognized for one hour.

Mr. BYRNS. Then limit it to two hours.

Mr. TILSON. Is the gentleman willing to have the debate confined to the bill?

Mr. BYRNS. Yes; I am perfectly willing to have that.

Mr. WOOD. Then, Mr. Speaker, I ask unanimous consent that the debate be limited to two hours, one half to be controlled by the gentleman from Tennessee, and the other half to be controlled by myself, and that the debate be limited to the bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent that general debate be limited to two hours, one-half to be controlled by the gentleman from Tennessee and one-half by himself, and that the debate be limited to the bill. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report the title.

The Clerk read the title of the bill.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, this is an emergency appropriation bill, the purpose of which is to provide for Government construction to aid employment.

The estimates in this bill were sent to the House at the suggestion of the President, who in his message to this body at the commencement of the present session recommended an appropriation of from \$100,000,000 to \$150,000,000, the purpose of which was to assist in relieving unemployment.

The estimates as tentatively prepared and submitted to Congress and referred to the Appropriations Committee amounted in round numbers to \$151,000,000. There were more than 50 different items included in the detail of these estimates. The committee spent several days in its examination of the Budget officer and those defending the esti-

mates for roads, flood control, rivers and harbors, and so forth.

We ascertained before we progressed very far that many items were so involved with the estimates already submitted to the Committee on Appropriations for the regular annual bills that it was an interminable task to sift out that which was of an emergency character from that which was provided for under the regular bills and not so urgent.

We soon discovered that there were five principal items that involved a total of \$110,000,000, and that these five purposes were entirely within the scope of the intention of the President in the recommendations he made.

So we finally agreed, unanimously, that we would submit to the House at once in a special bill these five separate items, and leave for further consideration on the first deficiency bill such other items as in our judgment should be made for any future relief, with the provision that the items should be immediately available.

So we have before us in this bill the five purposes to which I have referred—Federal highway system, \$80,000,000; rivers and harbors, \$22,500,000; flood control on the Mississippi River and tributaries, \$3,000,000; improvement of national forests, \$3,000,000; roads and trails, in national parks, \$1,500,000.

You will recall that the President in his message recommended that appropriations should be for a period of six months, terminating on the 1st of July, next. The full Committee on Appropriations this morning arrived at the conclusion that in the case of the Federal road advances that the period should be extended until the 1st of September, for the reason that in the northern sections of the country where large allocations are made under the general law the next six months will be cold and the contracts for improvement might not be completed within the next six months, and we therefore extended the time until the 1st of September. The Chief of the Bureau of Public Roads, in charge of this work, was of the opinion also that if it was confined to the 1st of July that possibly not more than \$50,000,000 could be expended, but if extended to the 1st of September the full \$80,000,000 might be expended.

As to the rivers and harbors appropriation, in the opinion of General Brown, the Chief of Engineers, the amount of money allocated for that purpose will be expended within the period named and by the 1st of July. But in the event that it is not expended they have the right to obligate it and under the general law and under this bill it will remain available until expended.

In order that we may get this bill passed and enacted into law at the earliest possible moment, and for the reason that the items involved in the bill are the ones that will give the most and immediate employment, we have confined ourselves to them.

Now, if there are any questions I am ready to answer them.

Mr. BANKHEAD. I would like for the gentleman to interpret the purpose of section 2 of the bill, on page 4, giving power to the President to interchange appropriations.

Mr. WOOD. This is the idea: Suppose that, for instance, in the Federal-roads item they found they could not employ as many men as they could employ under rivers and harbors, or vice versa. Suppose they could get more men employed upon the roads than on the rivers and harbors, the President might in his discretion make a change in that respect.

Mr. BANKHEAD. Does that mean that he may in his own discretion change the amount of these allocations? For instance, you have allocated here in your bill \$22,500,000 for rivers and harbors. Under the authority given to the President under section 2 of the bill could he reduce that amount of expenditure to \$15,000,000?

Mr. WOOD. Yes. We think there is no possibility of there being any occasion for a diversion of any portion of this money from the respective allocations, but there might be such a possibility. The purpose of the whole bill is to give immediate employment to men and to do it as rapidly

as possible, and at the same time complete some Government work. In the event that it is found that a greater number of men might be employed by interchanging these appropriations to some little degree, I think we can safely leave that to the discretion of the President. In order that the purpose of the bill might be best accomplished he has the right to do that thing.

Mr. BROWNE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BROWNE. In regard to the \$80,000,000 to be used on Federal-aid highways, how is it to be determined what States shall have this?

Mr. WOOD. It is to be determined exactly as it is determined under the general law. Every State has an equal opportunity to get its fair proportion of this advance according to its limitations for area, population, and so forth.

Mr. BROWNE. Will this be a loan?

Mr. WOOD. It is in the nature of a loan. Many States, as disclosed by the evidence, will be without funds to match dollar for dollar with the United States, so it is proposed under this bill to advance money to the several States in accordance with their percentage under the general law so that they can match the amount they have under the regular apportionment with the money they get under the advance. It is in the nature of a loan and will be returned in the period of five years by deducting what they would be entitled to under the regular apportionments commencing in 1933.

Mr. BANKHEAD. By what provision of existing law is that provision to be effected?

Mr. WOOD. It is this bill before us now.

Mr. BANKHEAD. I am certainly glad to hear the gentleman make the statement, and my only anxiety was to know the authority of law for that promise.

Mr. BROWNE. Will the State legislatures have to take any action in order to receive this?

Mr. WOOD. The States will have to take some action, perhaps, in order that they may be entitled to this advance. That is an administrative matter. Most of the legislatures meet the 1st of January throughout the several States, and many of them have already authority whereby they can do this very thing, through the governor, and some of them, perhaps, through their highway commissions.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LaGUARDIA. Will the gentleman inform us whether the necessary preliminary engineering is completed, so that these various projects contemplated in the bill may be commenced at once?

Mr. WOOD. Mr. MacDonald tells us absolutely that they can commence to-morrow.

Mr. LaGUARDIA. And that is also true in respect to the work on rivers and harbors?

Mr. WOOD. Yes.

Mr. LaGUARDIA. Following up the suggestion made on the other side in respect to the discretion vested in the President as to the reallocation of the funds, I assume that is limited to the projects contained in the bill?

Mr. WOOD. Absolutely.

Mr. BROWNING. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BROWNING. Is it contemplated that all of this \$80,000,000 must be expended on the standard Federal roads, or is there any provision in this for the lateral-road program that has been mentioned?

Mr. WOOD. It will be in accordance with the present program for the building of Federal roads.

Mr. BROWNING. Of the standard type?

Mr. WOOD. That is right.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LINTHICUM. The gentleman from New York [Mr. LaGUARDIA] just stated that the money was to be expended

for the items in the bill. As to the Board of Engineers for Rivers and Harbors, I presume the money will be expended according to the items in the hearings, rather than the bill, will it not?

Mr. WOOD. Absolutely; but, as I said a while ago, this clause that was put in about the transfer was to meet a possibility and not a probability.

Mr. LINTHICUM. Will the gentleman restate what he said about the specified time in which the river and harbor money has to be used?

Mr. WOOD. Under this bill the engineers may obligate it, although they may not be able to spend it within that time, for the reason that the appropriation to the War Department—and it is administered through the engineers—is available until expended; so that if the work commenced, was obligated, a contract signed, and the work entered upon and not completed by the 1st of July, the money would still be available for obligation and expenditure.

Mr. LINTHICUM. The contract would be carried out no matter if it did take longer than the 1st of July?

Mr. WOOD. Yes; and that is the reason for extending the work on the highways. If that amendment had not been made, extending it from the 1st of July to the 1st of September, it would cease on the 1st of July, according to the terms of the appropriation.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. KETCHAM. Referring to the action that should be taken by the various States in order to avail themselves of the moneys provided for in this measure, will the State legislatures be required to take the time to enact any new legislation, or would they simply have to agree to the plan formulated here with reference to carrying on these payments for five years?

Mr. WOOD. They would have to agree to accept this advance and have it deducted from the regular allotments in the future, so that the Government would be fully recouped within the period of five years commencing with the 1933 fiscal year.

Mr. KETCHAM. But it will not require them to take the time to make additional appropriations in order to match this?

Mr. WOOD. It will not.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. TREADWAY. In connection with the allotments to the various States will the same conditions that are now applicable of Federal money to the States apply?

Mr. WOOD. Absolutely, except to matching.

Mr. TREADWAY. Then, there are only three States that are able to take up their allotments under the conditions that are now applicable. Those States are Rhode Island, Delaware, and Maryland.

Mr. WOOD. They can take up their allotments by reason of this provision. They can take up allotments and match them with this advance.

Mr. TREADWAY. The conditions are such that we can not comply with them.

Mr. WOOD. In what respect?

Mr. TREADWAY. That question was before the Committee on Roads. It would take quite a little explanation. I was anxious to know if the same conditions would apply. If they do, I am sure the States can not take up the entire allotments.

Mr. DOWELL. May I state to the gentleman from Massachusetts that so far as the allotments are concerned, the money will be allocated to the States that can take up all of the amounts.

Mr. TREADWAY. Do I understand the gentleman to contend that the conditions that now apply to the States' allotments of money will not apply to these emergency funds?

Mr. DOWELL. So far as advances are concerned, they will apply to this.

Mr. TREADWAY. I am talking about the allotments from this emergency appropriation.

Mr. WOOD. Those States that have the money on hand that will match the Government money will not have any advancement if they do not want it and those States will not have any obligation to pay it back within the five years.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. COLE. Can the gentleman give us any idea or estimate as to how many men will be employed in the construction of these roads? I ask this question because it has been stated that most of the money may be spent on operating machines.

Mr. WOOD. I took that up with General Brown, and he said that with the special appropriations it would give employment to about 45,000 men. It seems they have a yardstick by which they measure the employment by dollars. When we had the Treasury Department before us on public buildings the Supervising Architect's office told us that for every \$10,000,000 expended about 3,000 men would get employment.

Mr. COLE. Would it not be better to give priority to those projects that will employ the most manual labor?

Mr. WOOD. That is the reason why we selected these projects—to give employment to as many men as possible.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LAGUARDIA. It is estimated, then, that 3,000 men will be employed for every \$10,000,000?

Mr. WOOD. We asked that question of a gentleman from the Treasury Department with reference to the question of public buildings, and he answered that employment would be given directly and indirectly to 3,000 people for every \$10,000,000 of money expended.

Mr. LAGUARDIA. That is, on buildings?

Mr. WOOD. That is on buildings.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. McDUFFIE. It is estimated 45,000 men are to be employed by General Brown, the Chief of Engineers. Does that mean 45,000 in addition to men of his corps? Will that include his force already existing?

Mr. WOOD. His statement was that with this extra appropriation he would be able to give immediate employment to more than 45,000 men.

Mr. McDUFFIE. As to the estimate for rivers and harbors, the committee report says, on page 3:

It is his recommendation that the regular appropriation stand at \$60,000,000, as previously fixed, and this sum be in addition thereto, even though approximately \$11,000,000 is involved between the two sets of estimates.

Please explain this statement.

Mr. WOOD. What he meant by that was that \$11,000,000 of the \$22,500,000 was for projects for which a like amount is in the 1932 bill, but that it was the desire of the War Department not to change the \$60,000,000 program of expenditure of the money in the regular bill, but to use both the \$22,500,000 and the \$60,000,000 and do that much more work upon these projects.

Mr. McDUFFIE. You would be adding only \$11,000,000 to the estimate of the Chief of Engineers?

Mr. WOOD. This \$22,500,000 is just that much more than they would have gotten if it were not for this bill. The \$11,000,000 is not duplication but just that much more money for the same projects between this bill and the regular bill.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. FULLER. On the question of the States furnishing dollar for dollar, does the gentleman understand that of this \$80,000,000 the States do not have to furnish dollar for dollar of this money?

Mr. WOOD. They have to furnish dollar for dollar, but will use this advance to match with.

Mr. FULLER. Mr. MacDonald, Chief of Bureau of Public Roads, informed me that they did not; that this being a loan, we would advance this \$80,000,000 to the States, and that this money could be used now without the States matching it.

Mr. WOOD. They are going to match their regular allotment with this money that we are advancing under this bill.

Mr. FULLER. But the States will not have to put up \$80,000,000 at this time in order to get the benefit of this \$80,000,000. Many of them are without available money because they have not collected their automobile licenses. This money can now be used without the States matching it dollar for dollar.

Mr. WOOD. No; they already have an allocation from the Government. The Government is going to put up 100 per cent on some projects between this advance and the regular allotments.

Mr. FULLER. Does the gentleman think the State legislatures will have to pass an act to agree to this loan? Does not the gentleman think the fact that they acquiesce in this and accept this money is sufficient?

Mr. WOOD. In all of the States where, under general laws, there is some officer who has the right to make this acceptance, that can be done. If they do not have that authority, there may have to be legislation, for the United States must be secured before they will make any of these advances.

Mr. DOWELL. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. DOWELL. I would like to state for the record that the head engineer, Mr. Fred R. White, of Iowa, has made a very careful investigation of the expenditure of money in building roads, and he states that 52 cents out of every dollar invested in the building of roads goes to labor. I simply wanted to place that in the RECORD, because there is no place where money can be appropriated that will be so equably placed into the hands of those out of employment as in the building of public roads.

Mr. BEEDY. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. BEEDY. I have listened to this discussion about \$80,000,000 and I am still not quite clear about it. May I ask the gentleman a question? Does the gentleman state that this \$80,000,000 in this expenditure is not subject to existing limitations of law, which apply to the right of States to participate in Federal highway funds?

Mr. WOOD. I say it is subject to those limitations.

Mr. BEEDY. Then the gentleman agrees with the statement that this House is about to appropriate \$80,000,000 for road construction which can be used simply by three States in the Nation?

Mr. WOOD. Oh, the gentleman is mistaken about that.

Mr. BEEDY. That conclusion inevitably follows from the first, because, if the existing limitations of law do apply, then no State in this Union which has not already exhausted its allotment can participate in this fund. You would not be advancing more money, in other words, out of this \$80,000,000 to a State which already had available for its use \$50,000 or \$100,000?

Mr. LAGUARDIA. That is exactly what this bill does.

Mr. WOOD. Perhaps I did not make myself clear. Take the State of Maine, for instance. If the State of Maine has plenty of money to match, dollar for dollar with the United States, and does not want any of this money it will not have to be taken.

Mr. BEEDY. Exactly.

Mr. WOOD. But the State of Maine, in consequence, will not have deducted from her regular apportionments hereafter during the period of five years starting in 1933, any portion of the money that will be allotted in the future. On the other hand, take the State of Massachusetts as an illustration. The State of Massachusetts has no funds with which to match, dollar for dollar, the regular United States allotment. The United States will give to that State the

percentage that she is entitled to under this appropriation to use to match against an equal portion of the United States money, but she will have to pay it back or have it deducted from her regular future allotments over a period of five years.

Mr. BEEDY. Now, may we be perfectly clear about it. There are only three States in the Union which have exhausted the funds that are available for Federal highway construction. Only three States in the Union.

Mr. WOOD. Oh, the gentleman is mistaken about that. There may be three States in the Union that have not exhausted their moneys.

Mr. BEEDY. Exactly. That is what I say.

Mr. WOOD. But many States will not have State funds to match with and that is the reason for this advancement.

Mr. SWING. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. SWING. This is a very interesting item and, as the gentleman knows, we are all very much interested in it. Does this contemplate the making of contracts with a State, whereby a State, through some authority which it probably does not now have, but will have to get from the State legislature to make a contract to pay the money back?

Mr. WOOD. This means simply this, that before any State can receive this advancement there must be something in law already existing, or there must be some officer who has the power to accept the terms by which this advance may be made under this bill. If there is no such officer or no such law, then the legislature, convening in January, will have to provide for it.

Mr. SWING. In conversation with some members of the public roads force, who probably had no authority to speak for the Government, but who were expressing simply an opinion based upon experience, they said that even if we waive the requirement of an actual contract to pay back in the future, or the actual putting up of the cash now, the Government could not possibly lose, unless all road work in that State hereafter stopped.

Mr. WOOD. That is true.

Mr. SWING. Because we have a 50-50 proposition, and if we put it all up now we can control it under this act, and cut down on the amount hereafter appropriated to that State?

Mr. WOOD. Yes.

Mr. SWING. So that no contract and no new State legislation is actually necessary?

Mr. WOOD. I will say to the gentleman that there is not any danger of a State, unless it goes into bankruptcy and wipes out road building entirely, doing that. That is a matter of administration, so I do not think Congress should concern itself with that.

Mr. SWING. The gentleman does not state positively that new State legislation is necessary?

Mr. WOOD. No. I say I do not think that unless some peculiar circumstance arises or some peculiar provision of their constitution would make that necessary.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. WAINWRIGHT. As I understand, there will be allocated \$40,000,000 involved in this grant, a large part of which can be used for public-building construction?

Mr. WOOD. No. Public buildings are not contained in this at all.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. LaGUARDIA. The financial arrangement between the States is perfectly clear. I would like to ask the gentleman this question: Assuming that a State has completed its system of Federal highways and it wishes to build State and county roads, may it apply any of the money received from this fund for that purpose?

Mr. WOOD. I am not certain on that point.

Mr. EVANS of Montana. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. EVANS of Montana. I understood the gentleman to say that in event all the money was not expended on roads by July 1 the time might be extended to September 1.

Mr. WOOD. We have in this bill extended that date so it now reads September 1 instead of July 1.

Mr. EVANS of Montana. That is what I intended to suggest. What about your item of \$3,000,000 for the building of roads and trails in the national forests?

Mr. WOOD. I will say to the gentleman that in the hearings the Chief Forester said they could use all of that money and more, too, before the expiration of the six months.

Mr. EVANS of Montana. I hope that is so, but I doubt it, because most of the forests lie in northern climates, where work can not be performed during the winter months.

Mr. WOOD. We went into that very carefully, and that was Major Stuart's statement.

Mr. EVANS of Montana. If Mr. Stuart said that is so, then that is sufficient for me.

Mr. HOUSTON of Hawaii. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. HOUSTON of Hawaii. Are we justified in assuming that inasmuch as Hawaii benefits under all the Federal highway acts that the word "States" includes Territories as well?

Mr. WOOD. If the general law has been construed to include the Territories, of course that will follow in this instance.

Mr. BROWNING. Will the gentleman yield further?

Mr. WOOD. Yes.

Mr. BROWNING. I notice that the hearings indicate that all of this \$80,000,000 is to be spent on the 7 per cent roads now under the Federal plan. Can the gentleman tell us whether there is any prospect of getting any Federal aid for the lateral-road system?

Mr. WOOD. I can not answer that at this time. I have enough trouble in making the necessary appropriations when the proper time comes.

Mr. GREEN. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. GREEN. I understand that the \$80,000,000 will be loaned to the States in order to enable the States to meet other allotted Federal funds?

Mr. WOOD. Yes.

Mr. GREEN. At what interest?

Mr. WOOD. No interest.

Mr. GREEN. When must the money be repaid?

Mr. WOOD. It will be deducted in proportionate parts covering a period of five years commencing with the fiscal year 1933.

Mr. McFADDEN. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. McFADDEN. I will ask the gentleman to refer to section 2, and I ask him in that connection if, under this Federal-aid appropriation of \$80,000,000, only \$40,000,000 should be allotted, under the authority granted in section 2 could the remaining \$40,000,000 be transferred to rivers and harbors work?

Mr. WOOD. Each one of these five items will be subject to the transfer clause.

Mr. McFADDEN. Suppose it is not all used by that activity, then under the authority contained in section 2 it could be transferred to other activities, could it not?

Mr. WOOD. Yes; if that is done within the period of the limitation.

Mr. GREEN. Will these loans be made according to the amount of Federal aid which a State gets?

Mr. WOOD. Yes. I will state to the gentleman and to the committee that if you will turn to page 19 of the report, you will find how this money is tentatively allocated to the different States under the Federal highway act.

The following schedule shows by States the active program, the amount of work completed of this active program, the unobligated balances available, and an apportionment by the fixed Federal-aid percentages of \$80,000,000:

Status of Federal-aid program as of December 1, 1930

State	Active program		Federal aid earned on active program (estimated)	Balance of Federal aid unearned on active program (estimated)	Unobligated balance of Federal aid available for new work	Apportionment of \$80,000,000
	Estimated total cost	Federal aid				
Alabama.....	\$5,560,791.34	\$2,699,028.76	\$943,000.00	\$1,757,000.00	\$5,282,541.96	\$1,698,645.00
Arizona.....	5,903,025.74	4,594,327.12	3,124,000.00	1,470,000.00	2,399,674.92	1,170,481.00
Arkansas.....	10,507,532.71	1,508,747.85	3,185,000.00	1,824,000.00	2,780,139.73	1,388,157.00
California.....	11,440,810.71	5,046,356.39	2,994,000.00	2,052,000.00	4,427,520.40	3,108,233.00
Colorado.....	7,054,720.35	3,739,331.78	2,705,000.00	1,034,000.00	3,850,185.52	1,507,832.00
Connecticut.....	3,753,197.31	1,426,049.40	1,082,000.00	344,000.00	1,262,645.45	520,491.00
Delaware.....	1,449,388.65	631,897.84	462,000.00	170,000.00	618,546.89	400,000.00
Florida.....	6,370,491.24	2,958,808.06	2,080,000.00	878,000.00	2,640,709.47	1,086,438.00
Georgia.....	9,176,856.53	4,310,649.97	2,378,000.00	1,933,000.00	4,673,135.92	2,077,996.00
Idaho.....	4,077,503.57	2,424,600.30	1,851,000.00	574,000.00	1,844,669.88	1,008,036.00
Illinois.....	28,985,214.40	13,075,612.35	10,721,000.00	2,355,000.00	7,135,946.20	3,400,116.00
Indiana.....	11,205,013.31	4,900,298.04	3,599,000.00	1,301,000.00	4,441,544.58	2,045,929.00
Iowa.....	9,175,012.79	3,816,822.62	3,511,000.00	306,000.00	3,039,343.55	2,116,369.00
Kansas.....	8,181,040.30	3,851,251.73	2,681,000.00	1,171,000.00	4,121,506.67	2,192,301.00
Kentucky.....	13,993,810.87	5,370,315.14	3,864,000.00	1,506,000.00	1,559,730.32	1,504,715.00
Louisiana.....	7,219,418.84	3,482,191.84	2,386,000.00	1,096,000.00	2,521,353.23	1,147,927.00
Maine.....	4,410,679.50	1,672,546.06	1,178,000.00	495,000.00	1,918,144.20	715,799.00
Maryland.....	2,663,730.65	1,235,335.10	1,062,000.00	174,000.00	999,144.32	678,752.00
Massachusetts.....	11,595,806.70	3,380,333.15	2,231,000.00	1,149,000.00	2,845,608.09	1,141,460.00
Michigan.....	17,018,130.79	7,098,801.67	4,634,000.00	2,465,000.00	4,352,565.43	2,521,382.00
Minnesota.....	12,207,362.77	4,506,246.41	3,405,000.00	1,101,000.00	2,747,399.50	2,249,993.00
Mississippi.....	1,940,659.62	761,662.25	493,000.00	269,000.00	5,510,835.47	1,434,736.00
Missouri.....	13,986,431.73	4,976,013.27	2,989,000.00	1,987,000.00	3,301,109.06	2,526,823.00
Montana.....	11,217,886.59	6,476,068.19	3,867,000.00	2,609,000.00	4,703,614.16	1,671,930.00
Nebraska.....	11,533,246.81	5,346,328.75	4,330,000.00	1,016,000.00	4,143,529.85	1,708,031.00
Nevada.....	2,062,573.66	1,810,721.76	1,495,000.00	316,000.00	1,887,644.63	1,049,638.00
New Hampshire.....	2,242,149.89	797,786.38	725,000.00	73,000.00	672,280.18	400,000.00
New Jersey.....	5,776,491.49	1,407,271.32	1,294,000.00	113,000.00	2,548,368.76	1,107,807.00
New Mexico.....	6,190,560.83	4,128,923.39	2,945,000.00	1,184,000.00	2,351,742.57	1,303,288.00
New York.....	39,822,362.86	8,219,975.50	4,650,000.00	3,564,000.00	11,774,405.54	4,050,566.00
North Carolina.....	5,861,959.95	2,834,399.03	1,953,000.00	871,000.00	4,442,681.70	1,926,775.00
North Dakota.....	5,026,822.90	2,519,652.14	1,499,000.00	1,021,000.00	2,478,336.14	1,298,532.00
Ohio.....	29,683,289.97	10,080,970.32	9,228,000.00	853,000.00	4,625,110.64	2,998,533.00
Oklahoma.....	8,307,519.04	3,934,315.34	3,354,000.00	580,000.00	2,626,318.47	1,926,351.00
Oregon.....	7,603,708.01	4,480,547.46	3,119,000.00	1,362,000.00	1,787,010.80	1,320,287.00
Pennsylvania.....	33,934,985.70	9,414,881.26	8,017,000.00	1,398,000.00	5,367,086.51	3,512,943.00
Rhode Island.....	2,963,370.12	1,147,773.32	782,000.00	366,000.00	626,545.33	400,000.00
South Carolina.....	9,709,843.83	3,660,962.60	2,497,000.00	1,164,000.00	1,300,684.58	1,114,636.00
South Dakota.....	6,884,149.61	3,713,556.02	2,592,000.00	1,121,000.00	2,282,747.95	1,337,973.00
Tennessee.....	7,422,713.74	3,355,496.11	2,470,000.00	886,000.00	3,286,924.38	1,741,882.00
Texas.....	24,016,746.77	10,007,388.06	7,138,000.00	2,869,000.00	10,236,080.52	5,088,080.00
Utah.....	2,646,731.52	1,894,930.05	1,186,000.00	709,000.00	1,518,504.97	926,521.00
Vermont.....	2,491,463.30	834,428.84	805,000.00	30,000.00	613,889.05	400,000.00
Virginia.....	7,908,563.52	3,563,146.93	2,429,000.00	1,134,000.00	2,255,550.02	1,505,502.00
Washington.....	4,974,743.20	2,175,000.00	1,376,000.00	799,000.00	2,545,064.15	1,270,933.00
West Virginia.....	8,429,953.48	3,239,094.64	2,372,000.00	867,000.00	1,107,727.72	875,384.00
Wisconsin.....	12,173,045.85	5,078,237.48	3,848,000.00	1,230,000.00	2,591,634.41	1,992,410.00
Wyoming.....	3,227,760.03	2,139,122.04	1,633,000.00	506,000.00	1,679,190.43	1,029,353.00
Hawaii.....	1,080,386.06	472,874.00	216,000.00	257,000.00	1,852,769.59	400,000.00
Total.....	470,775,659.15	193,701,081.04	139,394,000.00	54,308,000.00	155,383,876.90	80,000,000.00

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] is recognized for one hour. [Applause.]

Mr. BYRNS. Mr. Chairman, the bill now pending before you, carrying \$110,000,000, as reported from the committee, meets the objections which were urged to this lump-sum appropriation when it was first suggested by the President in his message on December 2. This bill, as some of us then insisted should be done, definitely sets forth the projects upon which the money is to be expended and specifically sets out the amount of money which may be spent upon each project, thus reserving to Congress its constitutional right to keep its hands on the appropriations which are made and which can only be made by Congress. It avoids establishing a very dangerous and unheard-of precedent in peace time.

It provides for five projects, all of which have been discussed by the gentleman from Indiana. Eighty million dollars for public roads, to be allotted between now and July 1 to the various States under the general highway act, but not necessarily expended before September 1. That provision, as has been suggested, was made because the Director of Public Roads said that possibly in some States all of this money could not be expended. There are certain States in the extreme North and in the Northwest where probably no work can be done, or but little work, during the winter months, and this is to give those States an opportunity to utilize this fund if they desire to receive it and to expend it during the summer months, if it becomes necessary.

It provides for \$22,500,000 for rivers and harbors work, both of these amounts being the exact amounts which the

President later on, in a tentative list of allocations, said could be used in the next six months.

It provides for \$3,000,000 to be used in flood control, or a total of \$25,500,000 for expenditure by the Chief of Engineers for these two purposes. Of course, it is clear that these are projects upon which labor can be utilized as soon as the appropriation becomes available.

There are two other projects to which, I confess, I was not particularly anxious to give my own personal assent as a member of the subcommittee, but to which I have agreed on account of the insistence of my friend, the gentleman from Michigan [Mr. Cramton]. One item is \$3,000,000 for the building of roads and trails in national forests and the other is for \$1,500,000 for the national parks. I had no objection to these amounts, but I felt they were local projects and that they could go over just like these other local projects which have been eliminated from this bill for consideration by the deficiency committee.

I did not wish to quibble over the proposition or to split hairs, and I want to say to you gentlemen and to the country right now that there is not a Democrat upon this side of the Chamber, and I feel I can speak for every single one of them, if it is not too presumptuous for me to do so, who is not willing to vote every dollar that can be wisely and economically and properly expended for the relief of the suffering and the unemployment existing during the winter months. I want to make this clear, because there are some who have undertaken to say that, so far as I am concerned, and so far, possibly, as others who have made objections to this lump sum are concerned, we have been motivated by the question of whether money is to be expended in our districts. Never

in my life have I permitted a matter of that kind to control me in the consideration of appropriations.

This is purely a nonpartisan question. It is one that appeals to everyone, because there is widespread unemployment and suffering almost without exception and without parallel in every section of the country; and since this bill avoids setting the precedent of a big lump-sum appropriation to be placed in the hands of the President and undertakes to specify the projects and the amounts that may be expended thereon, there is not the slightest opposition to it, certainly, upon my part or, so far as I know, upon the part of any Member of this House.

It is clear from the message of the President which was sent to the Congress upon December 2 that he expected this sum of \$100,000,000 to \$150,000,000 to be placed in his hands to be allocated as he saw fit to the various departments of this Government for construction work, by and with the advice of a committee of his Cabinet, and I read from his message to show that that was the idea in mind at the time. He says:

With view, however, to the possible need for acceleration, we, immediately upon receiving those authorities from the Congress five months ago, began the necessary technical work in preparation for such possible eventuality. I have canvassed the departments of the Government as to the maximum amount that can be properly added to our present expenditure to accelerate all construction during the next six months, and I feel warranted in asking the Congress for an appropriation of from \$100,000,000 to \$150,000,000 to provide such further employment in this emergency. In connection therewith we need some authority to make enlarged temporary advances of Federal-highway aid to the States.

I recommend that this appropriation be made distributable to the different departments upon recommendation of a committee of the Cabinet and approval by the President.

Immediately there was some objections, as I have said, made to this form of appropriation in a lump sum, and on December 3, in some remarks which I submitted upon the floor here, I endeavored to call attention to just what this would mean, if Congress yielded to that idea, and I said then what I said a moment ago that there was no one, so far as I knew, who would oppose an appropriation which could be expended wisely and properly for the purpose of relieving unemployment, and that I did not believe there were any Members who were disposed to very closely scan the items if there were indications that the money so appropriated would afford relief.

On December 4 the President of the United States sent a letter, accompanying his estimates, to the Congress in which a tentative list of quite a number of projects, upon which he expected to spend a definite amount of money, was set forth.

These projects were in various departments, but it is significant that even then it was not intended to incorporate those projects with definite amounts in the bill, and Colonel Roop, the Director of the Budget, in the hearings said that even though they were written in the bill as proposed by the gentleman from Indiana [Mr. Wood], they would not be binding upon the President and it would not be necessary for him to limit the appropriation made to those particular projects, and certainly not to the amounts, because they are not stated in the bill.

Now, the first question that suggests itself to us is why did the President seek to ignore Congress in the matter of these appropriations? Why a committee of the Cabinet as an advisory board, so to speak? Why not the chairman of the House Committee on Appropriations, whom we all respect and whom we all would trust to represent the House, as a member of an advisory committee? Why not Senator Jones, the chairman of the Senate Appropriations Committee, and if he needed more, why not the majority leaders of the two Houses; and if he did not desire to exercise partisanship in a matter of this kind, which should not be partisan, why not add the minority leaders of the two Houses? [Applause.]

Certainly, these gentlemen who have a direct responsibility to the people, and who have been Members of the Congress for a long time, are more familiar with the situa-

tion which generally exists over the country and the needs of the country than a committee of the Cabinet; but when I asked Colonel Roop if that idea had occurred to him or whether within his knowledge it had ever occurred to the President, he stated that it had never even been suggested or thought of. Certainly, if the appropriation had been made as the President requested, Congress at least should have had an indirect voice in the expenditure through these gentlemen who have the confidence of the House and Senate, and who have a direct responsibility to the people.

Mr. TUCKER. May I ask my friend a question?

Mr. BYRNS. Yes.

Mr. TUCKER. In view of the gentleman's statement, which has been clear and strong, does the gentleman propose to move to strike out section 2 of the bill?

Mr. BYRNS. No; I will say to the gentleman that I do not, and for this reason: I agreed to that in committee. We are here appropriating for certain definite projects on which we all agree that the work can be started at once to give employment to labor. Now, it may be that all of this money can not be used on roads but can be used on rivers and harbors or flood control, or vice versa. I think there should be in an appropriation of this kind and in view of its objects some degree of elasticity between the appropriations so that they can be used to the best advantage.

The point I am making is that Congress, in undertaking to prescribe what shall be expended and naming the projects, has reserved to itself the right which it has always exercised in regard to appropriations of the people's money.

Now, in asking for a bill of particulars, those of us who did so had a splendid example in the actions of Republican leaders like Senator BORAH, Senator GILLET, who at that time was the ranking minority leader of the Committee on Appropriations, and our own distinguished chairman of the Appropriations Committee, and others whom I could name. I could quote from the RECORD, if necessary, to show that when a proposition was made to appropriate \$100,000,000 to be placed in the hands of Herbert Hoover, Food Administrator in 1919, all of these gentlemen promptly declared their opposition to the proposal and demanded a bill of particulars as to how the money was to be expended.

Mr. HARE. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. HARE. In this allocation of the funds for the State highway department do you require the funds to be allotted to roads in the Federal-State system, or will they be able to use them on roads not in the State system?

Mr. BYRNS. I am sorry to say they will not.

Mr. HARE. Does not the gentleman think it would be well in an emergency of this kind to have it stipulated that the funds to be used by the various States should be the rural routes not now in the State highway system?

Mr. BYRNS. The gentleman will find that I had that up with the Director of the Bureau of Public Roads, but there is no authority of law for it. I think that Congress should pass legislation to make that in order, because the market roads serving the various communities in the country would not only give better market service to the people but it would give the people in that community a greater benefit in employment.

Mr. HARE. That was the point that I wished to bring out—that it will not only serve to give them a better advantage but give better mail routes.

Mr. BYRNS. I agree with the gentleman; but the gentleman will see the limitations under which the Committee on Appropriations labored. As a matter of fact, this appropriation is necessarily limited to Federal-aid or standard roads under the Federal highway act, which consist on an average of only 7 per cent of the roads mileage in each State.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. MOORE of Virginia. There was a conference here on November 25, in which the drought-stricken States were represented. I think the Secretary of Agriculture presided

and I know there was an agreement reached to recommend to Congress loans to the States to be used in the construction of farm and market roads. Does the gentleman know what the present attitude of the Secretary of Agriculture or the administration is on that?

Mr. BYRNS. I do not; the Secretary of Agriculture did not appear before the committee.

Mr. BROWNING. Does the gentleman mean to say that the Secretary of Agriculture agreed to that?

Mr. MOORE of Virginia. My understanding is that everyone in that conference agreed to the proposal and one or two other proposals not touched by this bill, because as the gentleman from Tennessee has said, legislation will be necessary on which to base an appropriation to build other than Federal-aid roads.

Mr. BYRNS. Now, gentlemen, on December 8 the Washington Post carried an editorial which perhaps some of you read. I call attention to it because of a plain, unvarnished, deliberate falsehood that was carried in that editorial reflecting upon the Democratic members of the Committee on Appropriations. In the course of that editorial the man who wrote it said:

Under Chairman Wood's resolute leadership the Republicans in the committee defeated the Democrats who insisted upon swelling the appropriation.

I repeat, that is a deliberate, false statement by the author of that editorial, who could have easily ascertained the facts, and who should not have made a positive statement of that kind without some investigation. No Democrat in the committee has sought to load down this appropriation, as stated in this editorial.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. WOOD. I say to this House that at no time during the consideration of this bill was there any attempt at obstruction, any attempt to do anything but the duty of the members of the committee; and I wish now to express my appreciation of the part the Democratic members took in formulating this bill. [Applause.]

Mr. BYRNS. I thank the gentleman for that statement, and it is characteristic of his fairness, because if there is any committee in the House, as many of us have often said, where no partisanship or politics is practiced in considering appropriations, it is the great committee of which the gentleman from Indiana is the distinguished chairman. I felt that in justice to the minority members of the committee it was proper to call attention to that statement. Why, the day before, with some slighting reference to me, to which I pay no attention, the man who wrote the editorial intimated that I was influenced in my demand for particulars, because I wanted to secure an appropriation for a public building in the city of Knoxville. The city of Knoxville is not in my district. It is more than 200 miles from where I live, and, as a matter of fact, an appropriation was made for a post-office building in the city of Knoxville last July. I had absolutely nothing to do with it. If congressional influence had anything to do with it, it was through the influence of my distinguished friend and colleague the gentleman from Tennessee [Mr. TAYLOR], who represents that district, and the Senators from the State of Tennessee. I wish I had the name of the man who wrote this editorial, because I would like to put his name right here in this RECORD, so that he might be properly branded by the statement made by the gentleman from Indiana [Mr. Wood] and also by myself.

Of course, I realize his motives. He is endeavoring in every editorial he writes to drive a wedge into the Democratic side of this House. I have no objection to his efforts, but I have a right, as we all have a right, to expect a man who writes editorials for a newspaper which professes respectability, to be honest and fair in the comments which he makes.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. FULMER. A few days ago when the Committee on Agriculture had under consideration a bill for the relief of

the drought-stricken areas of the country this same person in an editorial came out with the statement that the Democrats proposed to try to increase the appropriation in a pork-barrel style, when, as a matter of fact, the farmers in this drought-stricken area proposed to mortgage their labor, their crops, their corn, their cotton, and everything else for a real loan, instead of expecting graft and pork-barrel appropriations. It was about the same kind of a statement as is contained in this paper the gentleman refers to.

Mr. BYRNS. The gentleman simply lends emphasis to what I have said. In this same editorial he refers to the Agricultural Committee, and I trust that the gentleman and his colleagues will have something to say on that subject when the bill which has been reported from his committee comes before the House.

As I said, Mr. Chairman, the President has sent a long list of projects, tentative, they say, upon which he intended to spend over \$151,000,000, in the event it had been granted in a lump sum, and that list appears in House Document No. 655. We went into hearings on this list, but we did not get very far. Gentlemen will notice that the hearings are very brief, because we soon came to an agreement. As we progressed in the examination of these figures, they appeared so utterly ridiculous as emergency and unemployment measures that my friend from Indiana [Mr. Wood], who had introduced a bill carrying a lump-sum appropriation, figuratively speaking, threw up his hands and agreed to specify the projects contained in this bill, leaving other items for further consideration by the deficiency subcommittee. As a justification for those of us who demanded a bill of particulars, let me tell you something. Remember, this appropriation is asked in the name of an emergency, for the relief of unemployment. Almost the first thing the Director of the Budget told us was that a certain amount of money, a considerable amount, I would say to my friend from Georgia, was to be used to purchase increased rations for the Army and new uniforms for the reserve officers. Think of that as a means of relief to unemployment! When I asked him what that had to do with unemployment, he said that somewhere down along the line labor would be employed in providing the supplies; but I fancy that the greatest relief which would be afforded from that sort of appropriation would be to those who deal in the supplies and the uniforms. Strange that our friends on the other side can not pass a bill without in some way taking care of the manufacturer.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. WRIGHT. Was the new uniform to which the gentleman refers to be a blue uniform?

Mr. BYRNS. I presume it was, though I do not know whether it was to be blue or not; but it was to be furnished to the reserve Army officers.

Mr. WRIGHT. They tried to force that on our committee at the last session, and we sat down on it; and now it seems they are trying to get some under the guise of employment relief.

Mr. BYRNS. I agree with the gentleman, and that is what would have happened if this lump-sum appropriation had been made. Every procurement agency would have come to Washington for the purpose of procuring a portion of it, knowing that it could not be gotten in the regular annual supply bills after a full and fair hearing. I do not say that the President connived at that. I want to be fair. What happened was that the President authorized the Director of the Budget to call upon the heads of the departments and asked them to submit estimates as to what money they could use, and the department heads in turn called upon the bureau chiefs and division heads for this information, and they were sent without the scrutiny that the President and his Director of the Budget should have given them. And yet the President intended to take care of them in a lump-sum appropriation, for the Director of the Budget in his letter, which was forwarded with the approval of the President, said:

I append a list from the departments and bureaus of amounts which it is believed could effectively be expended during the next six months for aid to the employment situation.

But that is not all. We began with the War Department in our hearings, and it was developed, under the head of "Seacoast defenses," that more than \$3,000,000 was to be expended—for what? For the purchase of searchlights, submarine mines, and the construction of fire-control stations.

Searchlights! I asked what on earth searchlights have to do with this unemployment. He said that skilled experts were employed in the grinding of the lenses. Think of it! All in the name of unemployment. I thought this appropriation was intended to relieve the unskilled laborer, the 10,000,000 of men and women who are walking the streets and highways to-day seeking a job by which they can earn an honest living and support themselves and their families. Yet, if this lump-sum appropriation had been allowed, over \$3,000,000 of it was to be expended in the purchase of searchlights from the manufacturers and for the manufacture of submarine mines, to be stored away for use if we ever have another war, and in building fire-control stations.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. BLANTON. Is the gentleman able to tell us just how much of this sum could reach the pockets of the unskilled laborers who are now unemployed? What percentage of it could reach them?

Mr. BYRNS. You mean with reference to this item?

Mr. BLANTON. With reference to the entire \$110,000,000 this bill proposes to appropriate.

Mr. BYRNS. I do not know. We could not get anybody to give us an estimate of it.

Mr. BLANTON. Approximately what per cent of it?

Mr. BYRNS. When it comes to labor on rivers and harbors and roads and flood control, probably the greater portion of it would be expended for labor.

Mr. BLANTON. But most of the men now unemployed in the States of Tennessee and Texas are unskilled labor.

Mr. BYRNS. Undoubtedly.

Mr. BLANTON. How much of that unskilled labor will be reached in Texas or Arkansas or Tennessee or Kansas or Oklahoma? How much of this money could reach them? Very little, comparatively, in my judgment.

Mr. BYRNS. The gentleman is doubtless correct. Of course that is entirely problematical.

Mr. GREEN. Referring to that statement, I am wondering if this appropriation will reach more than one phase of this situation. Will only one phase be benefited?

Mr. BYRNS. Of course the officials in charge of the work will be expected to exercise discretion in the matter of employment of this kind.

Mr. CHINDBLOM. If skilled or unskilled labor anywhere gets employment, will it not increase the purchasing power for things produced in Tennessee, Texas, Florida, and elsewhere? Why should there be any discussion as to what localities will be especially benefited? I think there is no cause for the suggestion of the gentleman from Florida [Mr. GREEN] at all.

Mr. BYRNS. I do not think the President of the United States will permit the political opinion of any laborer to interfere with his employment on any of these public works. I think the money would be used, so far as it is possible, for the benefit of all alike. Neither do I believe that he would permit any discrimination against sections or localities.

Mr. GLOVER. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. GLOVER. Could the gentleman suggest any way by which common labor could be better taken care of than by this provision, where we have \$80,000,000 to apply on our highways, together with the money provided in this bill?

Mr. BYRNS. No; and I am very heartily in favor of that appropriation.

Mr. HASTINGS. Will my friend allow me to suggest that this \$80,000,000 is portioned out to the various States and is expended under the highway commissions of the respective States?

Mr. BYRNS. If the lump sum had been granted, they were going to spend over \$5,500,000 for ammunition, to be added, of course, to the \$650,000,000 worth of ammunition that we have in store at the Rock Island Arsenal and some of the other arsenals throughout the country. I hope that in the future the time will never come when any President or any Member of Congress will conceive the idea of making this sort of a lump-sum appropriation, which would prove productive of waste and, perhaps, scandal.

But there is another item to which I wish to refer. We asked a representative of the Department of Agriculture about it, and after stating that \$3,000,000 was needed for roads and trails in the national forests, he proceeded to say that quite a large sum was to be expended in killing bugs in the national forests. They call it insect control in the national forests. Can some one tell me what relation that has to the unemployment that exists in this country?

I know my friend WILL WOON over there mighty well, and I have known him for many years. I think a lot of him and I have the utmost respect and admiration for him.

I spent about two weeks down in Florida last February as a member of a subcommittee, of which the gentleman from Indiana was chairman, investigating the Mediterranean fruit fly, and in the course of that investigation I had the fullest opportunity to learn just what the gentleman from Indiana thinks of what he chooses to call "bugology." [Laughter.] I want to tell you that when it was suggested that some hundreds of thousands of dollars of this money was intended to kill bugs out in the national forests, my friend from Indiana threw up his hands and said, "Let us agree upon a resolution and take it into the House and defer this other appropriation until the deficiency bill comes in."

Mr. ARENTZ. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. ARENTZ. I think there is a great deal of difference between "bugology" as applied to the kind of bugs which they had in Florida and those that penetrate the wood of a forest tree. In the forests of the Western States, wherever they grow pine trees, there are boring insects, and, if you could send men out into those forests to-day and find the trees that are affected and destroy them now, they would not spread to other trees.

Mr. BYRNS. Certainly, but does not the gentleman think that is a proper thing for the regular annual appropriation bill? There is an appropriation in the regular appropriation bill for that.

Mr. ARENTZ. Oh, there is no question about that.

Mr. BYRNS. What has that got to do with an emergency appropriation which is seriously proposed for the relief of unemployment?

Mr. ARENTZ. Oh, the gentleman was attacking "bugology," as he said.

Mr. BYRNS. Oh, no, indeed. I am willing, for the sake of the argument, to agree with all the gentleman thinks on that subject, and I am sure the gentleman is correct, because he has expert information. But the point I am making is that killing bugs out in the national forests will not afford the slightest relief in the matter of unemployment which is facing the country, or relieve the suffering which so many people are going to endure during the coming months, and which all of us deplore.

Mr. BRIGGS. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. BRIGGS. Does this measure provide that this money shall be made available so that they will not have to wait until the next fiscal year in order to make contracts or expenditures?

Mr. BYRNS. It is available immediately upon the passage of the resolution.

Now, there is another item that is very illuminating. Two million dollars was to be expended for the purchase of passenger-carrying automobiles and motor trucks for Army officers in the Army, just as though we did not have more automobiles now than we need.

Mr. BLANTON. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. BLANTON. Are not most of those Army officers unemployed?

Mr. BYRNS. Well, perhaps that is true, and therefore it was probably thought they should have something to ride in when they had nothing to do. You can not go down the streets of Washington any day that you do not see a number of Government-owned automobiles used by some high official in the Government, with a chauffeur, at the expense of the Government, yet this \$150,000,000, or at least \$2,000,000 of it, was to be used to increase the number, as well as to supply additional motor trucks.

There is involved not only the expense of maintenance and upkeep during the coming years, but, when those machines grow old, they will then come here and say, "We have had them, and you must purchase new ones."

Now, gentlemen, these things are not carried in this bill. These things I know, and I speak without authority or without having talked to the gentleman on the subject, but I am sure they are as objectionable to the gentleman from Indiana as they are objectionable to me or to any other Member of this House. They are objectionable, I know, to all the members of the Committee on Appropriations, as well as to the membership of this House. They are not carried in this bill, but I have referred to them simply to call the attention of the House and the country to the unwisdom of making these great lump-sum appropriations and placing it in the power of any man to expend it without regard to the rights of Congress to check the expenditure.

The fact is that the President is not going to spend this money, but the bureau chiefs are going to spend it. The heads of divisions in those departments are going to expend it. When the word went down the line and they were asked how much money they could expend, every one of them took out his pencil and began to figure how much money he could get for his bureau in addition to that which Congress had allowed him in the regular annual appropriation bill, using this emergency appropriation as a guise under which to secure appropriations, which they could not possibly secure from Congress after a full and fair hearing.

It was Democratic protest which stopped this inexcusable raid on the Treasury under the guise of an emergency appropriation, and which was to have been made in the face of the largest deficit we have ever had, and the first of any size in many, many years.

Now, that stopped the hearings, and, therefore, we did not go into these other items. I am not going to refer to all of them, but let me read you some of them. Office of the Secretary of Agriculture, \$83,480. I wish some one would tell me what that has to do with unemployment. Possibly the Secretary might increase somebody's salary in his office; he might put on a few additional clerks which Congress thought he should not have, but how is that going to help the unemployment which exists out in the country? Animal industry, \$57,995; Biological Survey, \$489,505; dairy industry, \$114,000; plant quarantine and control, \$35,000; and Weather Bureau, \$5,000. I do not know, and, therefore, possibly I ought not even to surmise what those appropriations mean; but I dare say that if we had not agreed upon this resolution as we did, and if we had continued these hearings, it would have been found that some of them were even more ridiculous than some of the items to which I have called attention and that possibly all of it involved a further increase in salaries for many employees now on the roll.

Mr. BLANTON. Will the gentleman yield?

Mr. BYRNS. Yes; I yield.

Mr. BLANTON. What is bothering me is this: After you expend the \$80,000,000 on extra roads—and all of which is good as far as it goes—will that help more than 5 per cent of the men unemployed in Bristol, Nashville, and Knoxville, in the gentleman's State? Could it help more than 5 per cent of the unemployment?

Mr. BYRNS. Out of the \$80,000,000 the State would get over \$1,750,000.

Mr. BLANTON. And in certain isolated portions of the State there would be road building, but in Bristol, Nashville, and Knoxville there would still be unhelped unemployed.

Mr. BYRNS. That is true. In my remarks on December 3 I called the attention of the House to the fact that the President in his annual message said that \$7,000,000,000 in contracts had been made for this year by private interests, and that \$150,000,000, if all of it were expended on labor and not in the purchase of material and supplies, would not amount to 2 per cent of the contracts that have been made by private interests. That shows how little real benefit this appropriation will bring to the vast army of unemployed.

Mr. COX. Can the gentleman state who is the author of the House document from which he has been reading?

Mr. BYRNS. That was transmitted by the President with a letter as an estimate, or, rather, a tentative list.

Mr. TAYLOR of Tennessee. This legislation does not enlarge the public-building program, does it?

Mr. BYRNS. No; this legislation has nothing to do with public-building operations.

Mr. TAYLOR of Tennessee. Then why does the gentleman talk so much about my town?

Mr. BYRNS. I was replying to an editorial that appeared in the Washington Post. I simply referred to it to show that, as a matter of fact, that appropriation was made last July, and that the statement was recently made that it would be eight or nine months before the work could be started, and that, therefore, any appropriation which might be made now could not possibly serve to speed the construction of public buildings. All of the gentlemen interested, the Treasury officials, have said they have all the money they can possibly spend on public buildings between now and December, 1931.

Mr. COX. And the gentleman now speaking gave the gentleman from Tennessee full credit for obtaining the appropriation?

Mr. BYRNS. I gave the gentleman full credit for obtaining the appropriation.

Mr. TAYLOR of Tennessee. I agree with the gentleman that there has been too much delay in the work of constructing public buildings.

Mr. BYRNS. Now, one other matter and then I am going to close. I asked Colonel Roop, Director of the Budget, just when this matter was first taken up and considered by the administration. I wish you would read the hearings on the subject. He said, "Oh, well, it was discussed to some extent when we discussed the \$12,000,000 increase in the rivers and harbors appropriation last spring." "But," I said, "Colonel, my question was when did you first call on the heads of the departments for information as to how much money they could use to relieve unemployment?" "Well," he said, "I do not remember the exact date," but finally he said it was after he had completed his examination of the Budget, and then another question brought the information that it was about November 1. Now, understand, gentlemen, they were discussing the question of unemployment last spring. There was not a man, woman, or child in this country who did not know at that time that there were millions of people unemployed and that soup houses and bread lines were forming in the larger cities. At that time Congress was in session. If this emergency appropriation was so badly needed for the relief of unemployment why was it that the President did not come to Congress last May or last June and ask for it?

If they had obtained it then plans could have been made so that men and women could have been given work at the beginning of winter to relieve their necessities. But no; it was not until winter was upon us that they even called upon the heads of the departments to know how much money could be used. Why was it? I suppose the answer is in the minds of all of you. There was an election coming on. I can not think of any other reason except a political reason. The administration was too busy at that time, and up until the day of election, in issuing statements that prosperity was returning. The Secretary of Labor was too busy

denying that there was any considerable unemployment, and the Republican National Committee was too busy saying there was no undue economic depression. Of course, if this matter had been taken up at that time it would have belied those statements which were being broadcasted throughout the country for political purposes.

Why, the gentleman from Indiana the other day commented in eloquent terms on the action of the President in calling business executives into session last November, and he declared it was one of the greatest acts and one of the greatest services the President could possibly have performed; business executives who came here and listened to the President, to his counsel and advice, and then went back, as prudent business men would do, handling property of other people, and promptly turned off every man and ceased to make every improvement which they did not think the state of their business justified.

I think the severest indictment against the administration in this unemployment situation are the facts I have just stated—the delay in coming to Congress and asking even for this modicum of relief which I assert we are forced to believe was due to political considerations.

It is a harsh statement, but, nevertheless, I believe the facts justify it. Winter is on us, and we are going to make this appropriation, and we are all going to vote for it; but you know and I know how slowly the machinery of government moves, and you know and I know that even though it goes through this week and is signed by the President it will be weeks before the unemployed begin to realize any advantages from it.

Ah, there has been too much play to the galleries on this question of what we are going to do to relieve the unemployed and too little action. This is not going to give much relief. It will give some, yes; but it is not going to give that relief which the country needs and which it must have if men and women and little children are to be kept from suffering during the coming winter months; and so far as I am concerned, let me say to you, I am not going to quibble about close, technical, constitutional questions in a matter of this kind. I am going to vote for every dollar that may be asked which has a tendency to give relief to those who need it, but before I vote it I want those who are responsible for its expenditure to come to the Congress and show the Congress that it is going to be used for that purpose. [Applause.]

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNS. I yield to the gentleman.

Mr. STAFFORD. I have listened with interest to the diatribe of the gentleman against the proposed plan, and I am curious to know whether the gentleman has any alternative plan for relief of the direful conditions he pictures throughout the country.

Mr. BYRNS. I have not opposed the plan. I have declared my intention to vote for it. I thought perhaps the gentleman, who knows something on every subject and always has a remedy for every matter, could propose something himself.

Mr. STAFFORD. I am now questioning my esteemed friend.

Mr. BYRNS. Yes; I will tell the gentleman one plan and I will ask the gentleman—

Mr. STAFFORD. I have a plan myself.

Mr. BYRNS. And I will ask the gentleman whether he will vote for it. I will vote \$60,000,000 to lend the poor farmers in the drought-stricken areas of the country to buy food and seed. Will the gentleman vote for that?

Mr. STAFFORD. I will vote to loan some amount, even for such a socialistic plan as that.

Mr. BYRNS. Will the gentleman vote for \$60,000,000?

Mr. STAFFORD. I will not, unless it is shown that that amount is necessary. I will vote for whatever amount is necessary, but that is not a substantive plan for remedying the existing conditions which the gentleman has been criticizing.

Mr. BYRNS. It will be a decided relief to the agricultural interests.

Mr. STAFFORD. We need to pass something of a more permanent character. The gentleman has been criticizing the administration very severely with respect to this plan, and now I am asking the gentleman whether he, as one of the leaders on the other side, has a plan to substitute for this one.

Mr. BYRNS. Does the gentleman uphold the administration in its proposal to spend the money to which I have referred in the manner which I have related?

Mr. STAFFORD. In some instances I do uphold the administration, but I want a definite plan to relieve existing conditions. Has the gentleman such a plan?

Mr. BYRNS. No; I have not such a plan to present now, I will say to the gentleman, and neither has the gentleman from Wisconsin.

Mr. STAFFORD. I have a plan—

Mr. BYRNS. Let us hear it.

Mr. STAFFORD. I would propose right away the formation of a commission [laughter]—

Mr. BYRNS. Will the gentleman—

Mr. STAFFORD. If the gentleman will permit me to continue, he asked me if I had a plan. I would propose a commission just as during the critical days of the war, when the Cabinet officers were unable to cope with existing conditions the President of the United States, President Wilson, called upon business men to formulate a plan to relieve conditions on the World War front. The gentleman and I at that time were members of the Committee on Appropriations, and we know the conditions that existed. Now, there must be something done to permanently relieve this situation. This bill merely provides temporary relief. I think a committee should be appointed to study the causes of this world-wide depression.

Mr. BYRNS. Oh, yes; and while they study the people perish.

Mr. STAFFORD. Oh, no; not perish by any means, and I would think the gentleman, by reason of his leading position, would have some plan to report to us.

Mr. BYRNS. I have a plan, and I want to know if it will receive the gentleman's approval. I think the best plan that could be proposed to afford permanent relief would be to reduce the tariff upon some of these outrageously protected commodities and thus regain the good will of foreign nations and restore our foreign markets so that we could dispose of our surplus. Will the gentleman vote for that?

Mr. STAFFORD. I agree with the gentleman in large part, and that would be the very purpose of this committee in studying the causes of this world-wide depression.

Mr. BYRNS. Did the gentleman vote for the recent tariff bill?

Mr. STAFFORD. I voted for it because it carried a duty on leather and shoes to revive a prostrate industry of my district, the leather industry, and it has been a benefit to those industries. I did not vote for it, because it puts high duties on agricultural products that antagonized Canada and antagonized other foreign countries. I voted for it because of that one reason.

Mr. BYRNS. I appreciate the frankness of the gentleman. He was entirely willing to place a heavy tax upon the consumers of this country and to cut off our foreign markets which had been taking our surpluses heretofore, simply to relieve an industry in his district. [Laughter and applause.]

Mr. STAFFORD. It was the only industry in the country that was on a free-trade basis, and I will ask the gentleman whether he was in favor of having that industry go out of existence or in favor of giving it a reasonable tariff?

The leather industry was the only industry in the country that for the last 20 years had been on a free-trade basis.

Mr. BYRNS. Now I want to ask the gentleman this question. The gentleman voted for the tariff bill—

Mr. STAFFORD. Yes; for that one reason.

Mr. BYRNS. To relieve an industry in the gentleman's district. Has it relieved that industry?

Mr. STAFFORD. Yes; it has.

Mr. BYRNS. To what extent?

Mr. STAFFORD. It shut off the importation of hundreds of thousands of shoes that were coming into this country from Czechoslovakia and has revived the shoe industry in this country. [Applause.]

Mr. BYRNS. Then do I understand the gentleman to say that there is no unemployment existing in his district?

Mr. STAFFORD. The condition of employment in the shoe industry is far better than it was before the passage of the recent tariff bill.

Mr. BYRNS. What did the president of the International Shoe Co. think of that tariff?

Mr. STAFFORD. The International Shoe Co. had its retail stores scattered throughout the country and was interested primarily in the retail business.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WOOD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LaGUARDIA].

Mr. LaGUARDIA. Mr. Chairman, I am sure it is not necessary to appoint a commission to establish the fact that the greatest unemployment at this time is found in the industrial sections of our country, and the unemployment in the large industrial centers is reflected in every section of the country.

I do not care to be critical about the bill now before us, but, Mr. Chairman, this bill has been greatly overadvertised. There has been so much hope held out to the country as to what this bill will do and the appropriations which the President would recommend to Congress, while, as a matter of fact, this bill, Mr. Chairman, will not employ 1,000 men for any length of time in the State of New York. You can not get away from that.

The indirect and remote result of the material which might be used in road construction and in the other projects provided for in the bill will not benefit great industrial centers like New York, Philadelphia, Boston, or other large cities to any noticeable extent.

Why, in your \$110,000,000 you have here there is but one item for New York Harbor of \$166,000. All that will require will be a suction pump with a crew of 10 men to put down a pipe and suck some sand out of the harbor. It would seem to me, Mr. Chairman, that in coming before the House with an emergency relief appropriation that it was necessary to take into account all sections of the country and particularly large cities, where unemployment is the greatest and the suffering most acute. Most of the gentlemen on the other side who have been complaining, I submit, if you study the bill, will find that their States will profit by it.

The amount here provided for roads, while necessary and timely, I suggest, may turn out to be something more than a mere advance to the States in addition to the Government's contribution toward Federal highways. I predict now that when the time comes for final adjustment some of the States will not be able to meet the appropriations provided for and will ask for continued extensions until the amounts are ultimately charged off. I admit the bill will build roads sooner than otherwise, and I am willing to go along and vote for the bill. I know I am helping other States, but I would like to see something for my own State.

In my State and the large Eastern States, where the system of highways has been entirely completed, there is no hope of relief to be obtained under this provision of the bill.

Mr. DOWELL. Let me say to the gentleman that the Federal highway system in New York has not been completed.

Mr. LaGUARDIA. How much is left?

Mr. DOWELL. They can continue this until every mile of road of the entire State is completed. Under the bill there are \$4,000,000 that can be allotted to the State of New York.

Mr. LaGUARDIA. If the gentleman will look it up he will see that there is no comparison in the proportion for

New York and the other States—that in proportion to the population there is no relief for New York at all.

Why, we spend \$18,000,000 a year only for repairs of streets in New York City alone, and New York City will get nothing out of this. Let me say to the distinguished chairman of the Committee on Roads that if he will come to New York he will learn something about road building on a real large scale.

I will say, as I said on the opening of the session, that this Congress must cope with the employment situation.

Many people in my district and other large industrial centers have been waiting for this appropriation—this promised relief legislation—and I will leave it to any gentleman here from any of the large cities if he can see any relief in this appropriation of \$110,000,000.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LaGUARDIA. I yield.

Mr. O'CONNOR of New York. In the city of New York we have been waiting years and years for buildings absolutely necessary and indispensable, and the erecting of those public buildings would employ thousands of men.

Mr. LaGUARDIA. I am coming to that. I think we should provide for the immediate construction of public buildings in the cities already authorized. Why, if the War Department would grant permission to the city of New York to extend its piers we could go ahead with that work.

Why not provide for increasing the area of Governors Island, and that will give us the 80 acres more that we want there for a public air terminal. There are a great many useful projects that we can put into operation at once, if you will just give us of the cities a little consideration. But, no; we have been voting for flood relief, and for farm relief, for seeds, for all kinds of drought relief, and the time has come when the industrial workers of the large cities are coming to Congress and are asking for the same consideration that you give the farmers. We will vote for your seeds. Will you vote for our rents?

Mr. COLE. Sure, we will.

Mr. LaGUARDIA. You tell us in one breath that you have too much wheat, that there is an overproduction, and then the gentleman from Tennessee [Mr. BYRNS] suggests \$60,000,000 more with which to buy more seed to plant more wheat and thus increase the overproduction. Oh, there will be an end to this some time, and I say that the distress in the large cities—and I do not refer to Washington, which is not an industrial center at all—is such that you will soon have to give the very serious consideration to our problems and provide some constructive and effective relief.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Not just yet.

Mr. COLE. Oh, just one question.

Mr. LaGUARDIA. What is it?

Mr. COLE. Will the proposed naval program help New York City?

Mr. LaGUARDIA. What do you want? Another war, to kill off a few more men? Is that the gentleman's solution of the unemployment situation? It is not mine.

Mr. COLE. It is not mine; but it is proposed to rebuild certain ships.

Mr. LaGUARDIA. I refuse to join with any movement to dispose of surplus man power by looking for another war to kill them off. That is not the modern, up-to-date solution of the unemployment situation.

I wish this Government did have the powers in peace times that it has in war times. There is no limit to what this Government can do in war time in respect to the health of the individual, in respect to the food supply, in respect to the prevention of profiteering in foods, employment, and even social welfare and amusement to keep the people happy, but in peace time the Government seems to be helpless, and some gentlemen suggest building more ships, getting a bigger Army and Navy, and the gentleman from Tennessee said somebody wanted more uniforms and more ammunition—and then some one will go out and look for a nice war and kill off a few more of the boys. We are paying about 68 per

cent of our total appropriations now for past wars, for present defense, and for present preparation for future wars. No; I look to the time when my Government can give as much effort and spend as much money to make people happy and to make them safe and secure in peace as we do in war. There is no lack of funds. We have the resources. We must simply readjust ourselves to new conditions which this age has brought upon us. Mr. Chairman, the industries of this country can afford to close their doors and discharge their employees. They will take care of their machines. They will watch the machines; they will lubricate and oil the machines so that they will not rust. But the lives and the health of the employees mean nothing. The workers are just discharged until better times come. This present slack must be taken out of industry. It can not come from any place else. We have to so arrange conditions in this country that the workers may be employed all of the time, and I have a little amendment right here which I propose to offer to this bill that at least will start something along the proper line. If more machinery means more production with less men, we must have less hours and shorter weeks to employ more men. What good is increased production with decreased ability to buy? What good is a reserve or a surplus in any industry with no assurance as to what may happen in the future? We must create the spread to employ all our willing workers, who in turn will create the market to consume all our increased production.

Mr. WOOD. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Improvement of national forests: For the construction and maintenance of roads, trails, bridges, fire lanes, etc., including the same objects specified under this head in the Agricultural appropriation act for the fiscal year 1931, \$3,000,000.

Mr. BLANTON. Mr. Chairman, on page 2, line 5, I move to strike out the words "and so forth."

The gentleman from Wisconsin [Mr. STAFFORD] asked for an alternative program. My colleague from Texas [Mr. PATMAN] has on the desk here a petition, which, if signed by enough of us, will bring before the membership of this body for immediate consideration his bill, which is a proposal for the Government of the United States to pay now the \$2,000,000,000 debt that it owes the ex-service men. Why is not that one proper solution of the unemployment problem? It will pay a just and honest debt of \$2,000,000,000 that the Government must pay some day. That money, if paid now, will ultimately find its way into the banks in every district in every State in this Union, and that is exactly what the country needs to-day. All of the smaller banks are impoverished, especially the country banks. They have loaned and loaned until they can not loan any longer. This \$2,000,000,000 would be the greatest help in the world to them. It would enable these banks to furnish new loans to the farmers and the banks would be able to help the local people—the farmer and the man in industry alike. It would mean that these ex-service men, all over the country, every one of them, would get anywhere from \$750 to \$1,500 apiece. It would go to the uttermost parts of the United States. It would be a great help to them in time of need. Why not pay it? What reason has Mr. Mellon given us for not paying it? Has there been any logic in his argument? The Government owes the money, why not pay it. Our Government could issue bonds that would be good and salable anywhere, 100 cents on the dollar, with the lowest rate of interest in our history, and pay off this debt, and that would relieve unemployment, in my judgment, more than any other proposal that has been proposed by the President or any member of his Cabinet.

I am going to vote for this bill. It is good as far as it goes. Like the gentleman from Tennessee [Mr. BYRNS], I am going to vote for every proper bill that promises any relief in this time of stress and depression. What excuse will we offer the ex-service men for not paying this debt due them?

Mr. CONNERY. Permit me to call attention to the fact that the gentleman from Texas [Mr. PATMAN] has already a petition on the desk to discharge the committee and consider a bill for that purpose.

Mr. BLANTON. I have already called attention to that. I hope the membership will sign it. We can then bring that bill on the floor of this House and make it in order and pass it here if enough Members will sign the petition to make it in order under the rules of the House. Have you any excuse for not signing it? Have you any excuse for not voting for it? If you have, have you any excuse for not letting the membership vote and express their sentiment on the subject? If we can pass that bill in this House, it will pass in the other body, because I am sure that they will not turn it down, and we can put that proposal into law here before we adjourn for the Christmas holidays. And if Mr. Mellon had not objected, probably it would have been brought in by one of the committees, already.

Mr. Mellon has profited very much by this situation. While the President of the United States was preaching prosperity over the country, men and women throughout the Nation, according to their means, were buying bonds and stocks on the stock market, so far as their limited means would permit, thus inflating the stock market, and it was Mr. Mellon who profited by its crash.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have two minutes more?

Mr. WOOD. Is the gentleman going to talk about this bill?

Mr. BLANTON. I am talking about the unemployment situation.

The CHAIRMAN. Is there objection?

Mr. WOOD. I have no objection if the gentleman will confine his remarks to this bill.

Mr. BLANTON. I had almost finished.

The CHAIRMAN. The Chair hears no objection.

Mr. BLANTON. The passage of the proposal of Mr. PATMAN will do much to solve unemployment and will put \$2,000,000,000 into circulation and into the banks of this country. While the President was preaching prosperity, thus influencing the public to buy stocks, Mr. Mellon and his associates were selling their stocks, and when the market reached its peak some of their stocks were sold at \$250 per share, and when the market crashed and finally reached its bottom the stocks that sold at \$250 were bought back by Mr. Mellon as low as \$95 per share. That was the situation, and the people are beginning to find it out.

Mr. WOODRUFF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOODRUFF: Page 2, line 7, after the figures "\$3,000,000" strike out the period, insert a semicolon, and add the following: "\$900,000 for plantation."

Mr. WOODRUFF. That is for planting trees in the national forests.

Mr. WOOD. Mr. Chairman, I make the point of order on that.

Mr. WOODRUFF. I would like the gentleman from Indiana to make clear the ground upon which he bases his point of order.

The CHAIRMAN. A point of order is pending. Will the gentleman from Indiana indicate the ground of his point of order?

Mr. WOOD. The amendment of the gentleman from Michigan is not germane.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. LA GUARDIA. Mr. Chairman, these appropriations are limited to those set forth, and they are set forth under this particular head in the agricultural appropriation bill. Therefore the amendment would not apply to this appropriation now pending before the committee.

I just wanted to call that to the attention of the Chair, that this item is under the same head in the agricultural

appropriation bill, and if this amendment were offered to that bill it would not be in order.

Mr. STAFFORD. I would like to direct the attention of the gentleman from New York to the fact that the clause "including the same objects specified" is supplemental to these items designated in lines 3, 4, and 5. The words "including the same objects" amplify those specifically indicated. Under the rules of the House when you include more than one object you can include kindred objects.

Mr. WOOD. Mr. Chairman, I call the attention of the Chair further to the fact that the purpose of this bill is confined to "construction." Planting could hardly come under that. The appropriation for planting trees in the national forests comes under an entirely different appropriation heading. I call the attention of the Chair also to the current agricultural appropriation act, Forest Service, under the heading "Planting of National Forests":

For the purchase of tree seed, cones, and nursery stock, for seedling and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting.

That is a totally different appropriation from the one in the bill, which is "improvement of national forests," and under the terms of which only roads, trails, bridges, telephone lines, and similar physical improvements are made. Tree planting would not be germane to this "physical improvement" paragraph.

Mr. BURTNESS. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. BURTNESS. Under what general heading is the appropriation given in the last appropriation act; that is, the appropriation for roads, trails, and so on?

Mr. WOOD. "Improvement of the national forests."

Mr. BURTNESS. Is there a different general heading for that item appropriating amounts for planting?

Mr. WOOD. Yes; the planting of national forests.

Mr. BURTNESS. Are they not both under the same general heading?

Mr. WOOD. Both under the Forest Service, but different paragraphs.

Mr. LaGUARDIA. This is under construction and maintenance of roads.

Mr. DOWELL. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. DOWELL. This is under the Federal aid act, and it certainly can not be said that it is germane to this paragraph. My observation is that the amendment suggested by the gentleman from Michigan [Mr. Woodruff] is entirely separate from any provision in the law authorizing the appropriation that is provided in this paragraph; that what he is trying to do is entirely different from that included within this provision.

Mr. WOOD. Mr. Chairman, I will reserve the point of order.

Mr. DOWELL. With the reservation of the gentleman from Indiana, and the gentleman not making the point of order at this time, of course, I will withhold any further statement. But my position is that this is not germane and it is not authorized and it is not in order as an amendment to this paragraph.

Mr. WOODRUFF. Mr. Chairman, I do not propose to take up the time of the committee in arguing the point of order on this particular amendment.

The CHAIRMAN. Is the gentleman going to debate his amendment or is the gentleman from Indiana going to make the point of order?

Mr. WOODRUFF. The gentleman from Indiana has reserved his point of order. I am submitting a few observations on the amendment, with a view of later taking certain action.

The CHAIRMAN. The gentleman is recognized for the discussion of his amendment, with the point of order being reserved.

Mr. WOODRUFF. Mr. Chairman, I offered this amendment in the best of faith. I think there is no Member of this House who has given more time to the study of the

needs of the country in connection with reforestation than I. I was born and raised in Michigan, at one time the greatest timber State in the Union. I have lived to see the great forest areas in that State denuded until we have little standing timber left. I have seen the lumber barons move their activities to Wisconsin and then westward until to-day practically all lumber operations outside the Southern States is carried on in Oregon, Washington, and some of the other Western States.

I do know, gentlemen, that the forests of this country are being used four times as fast as they are being grown, and it does not require a mathematician of ability to figure out exactly what that means to the coming generation unless something radical is done in the way of reforestation.

This bill is offered for the purpose of taking up the slack in unemployment in this country. There is not a governmental activity in which we can engage that is more important at this time than replacing our depleted forests. Reforestation of our denuded lands has been neglected for so many years that the conditions resulting therefrom are fast creating an emergency. There has never been a time in the past 25 years when this work could be done more reasonably than it can be done at the present time. An appropriation for this purpose now would result in the employment of many of those now unemployed and meet the object of this particular bill, and the chairman of the committee would render a real service to the future generations if he would withdraw his point of order and permit the adoption of my amendment.

The cost of reforestation varies in the various States. In Michigan the cost is less than in any other State. The men working under the Forest Service there reforest an acre of land for the small sum of \$2.43. That does not mean much until you know exactly what those men have to do in order to accomplish that thing. They go into the forests and gather the seed; they prepare the beds in which the seeds are planted; they care for and cultivate those seedlings until they are 2 years of age; they prepare the forests; they plant 800 trees to the acre, and all this for the exceedingly small sum of \$2.43. An appropriation of \$250,000 will plant 100,000 acres, \$2,500,000 would plant 1,000,000 acres and furnish employment to thousands of men. The Federal Government is expending less than \$300,000 a year in the United States for this purpose when many times this amount should be applied to this work. I say it is a short-sighted policy. It is a policy that means distress to the oncoming generations, and at this time, when we are seeking ways and means whereby we can take up the unemployment slack in the country, it seems to me attention ought to be paid to this particular need.

I have offered my amendment, as I said before, in good faith. I am inclined to think the gentleman from Indiana is correct in making his point of order against it, and for that reason, with the unanimous consent of the committee, I shall withdraw it and proceed with this activity of mine before the Appropriations Committee on the deficiency appropriation bill.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DOWELL. Mr. Chairman, I do not want the statement of the gentleman from New York [Mr. LaGuardia] to pass unchallenged, when he states that this legislation will accomplish no good to the unemployed.

It seems to me the most important thing we may do is to get this legislation passed and the money available for road building.

The gentleman from Michigan has a splendid proposition, but it does not belong in this bill. I am hoping that something may be done to aid in the direction he has suggested. There may be other activities that may hereafter be found that will be very helpful in aiding these men to get employment, but the present purpose is to get this legislation enacted at once so that employment may begin.

I want to call the attention of the gentleman from New York—

Mr. LA GUARDIA. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. LA GUARDIA. Will the gentleman do me the fairness to quote me correctly. I said that no relief will come to the industrial centers.

Mr. DOWELL. I want to say that the gentleman's statement just now is just as misleading. For instance, here is an appropriation of \$80,000,000, which is in addition to the appropriation made for the present year. For the present fiscal year there has already been authorized by this Congress \$125,000,000, and this \$80,000,000 is in addition to all authorized heretofore.

I want to repeat the statement I made some time ago, that out of every dollar appropriated by our Federal Government labor receives 52 per cent and industry, therefore, receives the other 48 per cent. I want to call the attention of the gentleman from New York to the fact that in building these roads they are placed in every section of the United States, including the State of New York, where they will have allocated out of this appropriation more than \$4,000,000 for building roads in that State. If New York does not have the money allocated to match Federal aid this is to be advanced to the State of New York, if the State desires to use the money so that their unemployed may immediately go to work.

Mr. BURTNES. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. BURTNES. Will the gentleman be kind enough to analyze further his percentages of 48 and 52? The gentleman said that 48 per cent was for the benefit of industry. What about the labor employed in industry? Is that included in the 48 per cent?

Mr. DOWELL. That is included in the 52 per cent, so that actually 48 per cent goes to industry outside of the labor cost.

As I said, I want to challenge the statement made by the gentleman from New York. I take it he was not careful in this statement when he said it would not make a penny's difference in the employment of men in New York. That certainly can not be true.

Mr. LA GUARDIA. I say so now.

Mr. DOWELL. I say that such a statement is not founded upon any fact and no one can make that statement in the face of the record.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. LA GUARDIA. This is for immediate relief, and I suppose the gentleman from Iowa is going to take a broom and go up to New York and brush the snow off the roads up there.

Mr. DOWELL. I imagine if there is snow on the roads, and it is too deep to permit of travel, that they would use money for removing the snow, but not out of this appropriation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DOWELL. I just want to say to the gentleman from New York that he does not mean that the State of New York is to get no benefit out of this appropriation, but he may mean that he ought to have some appropriations in other directions, and that may possibly be true; I do not know; but I do know there is no money appropriated by this Government which furnishes more equitable and more helpful relief than appropriations for the building of highways throughout the United States. The money goes into every section of the United States for industry and for labor.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the gentleman from New York [Mr. LA GUARDIA] has made a very severe arraignment of the effect of this bill when he says that no industrial center will profit from the appropriations carried in the bill. Either he is densely ignorant as to the character of road building, living in a commercial center where they may not have modern road building as is done throughout the States, or else he certainly does not know how labor is utilized in the making of roads.

Everyone knows that the industrial centers that are engaged in the manufacture of road machinery will incidentally profit from this large appropriation for road building. Even Detroit, the automobile city, which is prostrate to-day, will profit from this appropriation by the demand for trucks that are used in making improved highways; and then there are the graders, the concrete mixers, and all kinds of machinery that is used in the building of modern roads. At this time of the year the frost in my section of the country, which I left 10 days ago, has not gone into the ground, and modern steam shovels and excavators can excavate and make ready the improved highway. Then again, as to labor—labor from the industrial centers will be called into the farming districts where these highways are to be improved if farm labor is not adequate.

These instances are enough to show the gentleman how the industrial centers in some way will profit from the large appropriations that will be utilized under this bill.

Mr. CONNERY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, ladies and gentlemen of the committee, this is a bill to relieve unemployment. I think the distinguished chairman of the committee called one of my colleagues to order a short time ago on the ground he was not speaking on unemployment when he was speaking about the payment of the soldier bonus in cash at this time, but I think that the subject of the bonus so-called is peculiarly germane to unemployment in the United States.

My colleague from Texas [Mr. PATMAN] has a petition on the desk here asking the Ways and Means Committee to report this bill. There have been several bills sent to the Ways and Means Committee asking the immediate payment of the adjusted compensation in cash.

Ladies and gentlemen, this \$3,000,000,000, or approximately \$2,700,000,000, if passed by the Congress for the immediate payment of the face value of the adjusted-service compensation certificates will be expended in 48 States of the Union. It will go directly to service men and their families and will affect directly approximately 20,000,000 people out of the 120,000,000 people in the United States, because their families and those directly dependent upon them certainly will mount up to 20,000,000 people in the country. Indirectly it will affect the entire Nation.

Mr. Mellon, in a statement which he gave out a few days ago, came out in opposition to the payment of this adjusted compensation at this time. This, in spite of the fact that he had asked authority to borrow \$8,000,000,000 with the low rates of interest at which the Government can borrow money to-day, and then he comes out and practically tells the American people that to expend \$2,700,000,000, which would go to the service men and their families in the United States would be a serious blow at the finances of the country.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. CONNERY. I yield to my distinguished colleague from Massachusetts.

Mr. McCORMACK of Massachusetts. May I call the gentleman's attention to the fact that there is \$700,000,000 at present in the Treasury for the purpose of redeeming the adjusted-compensation certificates?

Mr. CONNERY. That is true and that is why I made the statement it would cost approximately \$2,700,000,000 to pay this in cash at this time.

Now, ladies and gentlemen, I do not like to see the American people fooled on a proposition of this sort. It is not a partisan matter. I feel sure my colleague from Texas would

be glad to withdraw his petition and allow some Member on the Republican side of the House to put in a similar petition if he felt that thereby it would benefit the service men of the United States and take out the partisan phase of it. We are not interested in the political side of this matter at all; but you know and I know, whether you are a service man or not, that a great part of the service men in the United States to-day are obliged to borrow on their adjusted-service certificates. The Government charges them 6 per cent interest, the same Government that can borrow money at less than 2 per cent interest. You know the money rates to-day. Many of these men are unemployed; thousands of them are unemployed. They have their little families to take care of and they have to borrow on these certificates, and at the rate of interest charged by the Government the face value of their certificates will be practically gone in 1945. They will have no certificate, they will have no endowment policy, and no insurance policy, which is something you wanted them to have.

Ladies and gentlemen, I think this is a very serious matter in respect to the unemployment situation in the United States. I think the Congress of the United States could do itself honor and could do a wonderful work for all of the people of the country if they would report this bill to the House in the immediate future, before Christmas, pass the bill, and start this money in circulation throughout the land.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. CONNERY. I will be happy to yield.

Mr. WILLIAM E. HULL. I would like to ask the gentleman a question. In some respects I favor what the gentleman is talking about. The gentleman made the statement that they had already borrowed on these certificates. If the Government should pay off these certificates how would that benefit the soldier who had borrowed money on his certificate? Would he not have to pay that money back?

Mr. CONNERY. We would give him the face value of the certificate or what he would be entitled to receive in 1945, and out of that he would pay the amount he has borrowed; but if it goes on as it is at this time, by 1945 he will not have anything left.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Without objection, it is so ordered. There was no objection.

Mr. CONNERY. Incidentally, when I came into the Chamber a short while ago I heard the gentleman from Wisconsin [Mr. STAFFORD], having a little controversy with my distinguished colleague from Tennessee [Mr. BYRNS], and, from what I heard of it, it was about shoes. Whilst personally I subscribe to the telegram of the former Democratic candidate for the Presidency, Alfred E. Smith, that there should be a tariff to protect the wage earner of our country, which telegram was also subscribed to by the great majority of my Democratic colleagues at that time, nevertheless I take issue with no Member as to his honest convictions for or against the tariff policy; but, ladies and gentlemen, I am getting sick and tired of listening, the tariff on shoes being the only item in that long tariff bill to be assailed. Every time that an opponent of the tariff wants to attack the bill he immediately begins on shoes. And yet shoes had the most equitable case for relief before the Congress when the bill was under discussion. Since the passage of the bill the price of shoes has gone down, the shoe factories of Lynn are working, and many of them were not working before we put this tariff on shoes. [Applause.]

You know they used to tell a story—and I say this with all good feeling—about John L. Sullivan, when he was touring the United States years ago. He offered a thousand dollars for any man who would stay with him in the ring four rounds. A colored man went into the ring with him, and in the first round Sullivan hit him on the nose, hit him

on the nose again, and all through the round he kept hitting him on the nose; and in the second round the same thing, but he stayed through that round. In the third round he kept hitting the poor colored fellow on the nose, and finally the man turned around to the referee and said, "Mr. Referee, for the Lord's sake, will you please ask this man to scatter his blows?" [Laughter and applause.]

Now as to the tariff, you can take any stand you want to on that; but, please, ladies and gentlemen, scatter your blows, go after the Aluminum Trust, or other items that have no real right to protection, and let boots and shoes alone. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. CONNERY. I ask for one minute more.

The CHAIRMAN. Is there objection?

Mr. CRAMTON. Reserving the right to object, and I shall not object, but there is not only this bill but another bill temporarily laid aside awaiting completion, and I shall be obliged to object to any remarks hereafter not relating to the bill under consideration.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNERY. I wish to say in conclusion that I feel that this payment of the soldiers' adjusted compensation in question is of vital importance to the question of unemployment, not only to the service men and their families in the United States, but to the American people at large. This \$2,700,000,000 will benefit not only the unemployed and the service men, but every man, woman, and child in the United States, and to my mind will do more than anything else to help end the present depression. [Applause.]

Mr. LaGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I do not want to delay the House, but the House has had the benefit of the instructive and illuminating speech in the art of road building, of the distinguished, erudite, and versatile engineer from Wisconsin [Mr. STAFFORD].

He refers to my criticism of this bill in so far as it affects the industrial centers of the country. I repeat and reiterate every statement I made, and I say that this does not give any appreciable, material relief to any industrial center in the country, the statement of the great and learned gentleman from Wisconsin, notwithstanding.

The gentleman from Wisconsin ought to know that if we have unemployment we have idle machinery as well. He says we are going to bring relief by first making machinery and then going on to build the roads. It is clear that the gentleman knows nothing about road building. There are enough rollers, concrete mixers, tractors, and other machines for road building now without buying any more. If there should be any more machines needed, rest assured they are now in the factory, and this program will not create employment for the manufacture of more machines.

I say and I will continue to say that we have been appropriating for farm relief, flood relief, drought relief, seeds, and loans to farmers for relief to agricultural States for years now, and we of the industrial centers, and in New York particularly, pay a large percentage of the taxes from which this money comes, and we are getting no relief direct and very little, if any, indirect. We have more unemployed in New York State than there is population in some of the other States.

The time has arrived, Mr. Chairman, that the factory and mill workers, so scoffed at by the gentleman from Wisconsin, need relief; and we have the right to stand up and protest, and I shall continue to do so.

Mr. O'CONNOR of New York. This relief in other parts of the country is going to increase the taxes paid by those in the industrial centers.

Mr. LaGUARDIA. Of course that is the result; undoubtedly.

Mr. WOOD. Mr. Chairman, I move that all debate on this paragraph, and all amendments thereto, now close.

The motion was agreed to.

The Clerk read as follows:

Federal-aid highway system: For apportionment to the several States under the provisions of the Federal highway act, as amended, as a temporary advance of funds to meet the provisions of such act as to State funds required on Federal-aid projects, \$80,000,000: *Provided*, That the sums so advanced shall be reimbursed to the Federal Government over a period of five years, commencing with the fiscal year 1933, by making deductions from regular apportionments made from future authorizations for carrying out the provisions of such act as amended and supplemented: *Provided further*, That the amounts advanced in consequence hereof shall be limited in each case to the sum actually paid out by a State under such advance for work performed before September 1, 1931, for the construction of Federal-aid projects: *Provided further*, That should any State fail to claim any part of its allotment hereunder the President may reapportion such unclaimed funds to States capable of using them prior to September 1, 1931.

PAYING OFF THE SOLDIERS' ADJUSTED-SERVICE OR "BONUS" CERTIFICATES

Mr. RANKIN. Mr. Chairman, at the very best, the relief provided in the bill now under consideration is but "three cheers for the unemployed."

We are facing the most serious economic condition the country has seen for more than half a century. That condition is largely brought about because of the contraction of the currency and a lack of circulating medium to take care of the needs of the people of the United States. It can not be cured by a mere gesture of sympathy, such as this measure provides.

Let me call your attention to the fact that the reports of the Treasury Department show that on June 30, 1914, there was \$34.92 per capita in circulation in this country. In 1920 it ran as high as \$53.01 per capita. But since that time there has been such a contraction of the currency that to-day, or at least on July 31, 1930, it has been reduced to \$35.90, or \$17.11 per capita lower than it was in 1920.

With all our expansion and inflation of artificial values, we find that the circulating medium is reduced to within 98 cents per capita of what it was before the outbreak of the World War.

There can be no relief for unemployment, there can be no hope for the return of prosperity for agriculture, there can be no hope for anything but falling wages for labor, organized or unorganized, until the circulating medium of this country is increased and more money put into circulation.

This can be done by passing the bill introduced by Mr. PATMAN, of Texas, to pay off the soldiers' adjusted-compensation or bonus certificates. This bill makes it optional with the veteran itself. I hope every one of you who agrees with me will sign the petition on the Clerk's desk to bring this bill to the floor of the House.

Mr. Chairman, I recently read an article written by Mr. T. B. Macaulay, president of the Sun Life Insurance Co. of Canada, one of the ablest financiers of the world, in which he pointed out that in former times gold was the standard of monetary values throughout the world; but to-day, because of America's preeminent position, the American dollar is the standard.

He calls attention to the fact that the United States has on hand more than 100 per cent as much gold as we have currency in circulation. We have, in other words, gold supply enough to put into circulation an additional amount of money, an additional amount of currency, if you please, sufficient to pay the soldiers' adjusted compensation, to take up our obligation to these men.

We have paid everything else. We have paid the railroads; we have paid the war contractors and the profiteers. We have even given seven or eight billion dollars to foreign countries in our debt settlements, and yet we are asking these veterans to wait until 1945 before we pay what is due them. It will cost the Government no more to do justice now than it will then; and if we pay these certificates off now, it will put into circulation at least two and a half billion dollars. It will not only relieve the veterans themselves but it will increase the circulating medium, and with it you will see the prices of agricultural commodities advance. You will see business stimulated. You will see what we call frozen credits come to life. You will see this panic

broken. You will witness the beginning of a new era of prosperity for the American people.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto do now close.

The motion was agreed to.

Mr. CABLE. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CABLE: Page 2, line 25, strike out the period, at the end, insert a colon and the following:

"*Provided further*, That no part of the sums so advanced shall be used in the employment of an alien whose entry into the United States shall have been unlawful."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 82, noes 22.

So the amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Roads and trails: For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and national monuments under the jurisdiction of the Department of the Interior, fiscal year 1931, \$1,500,000.

Mr. CLANCY. Mr. Chairman, I move to strike out the last word. As a member of the Roads Committee of the House and as a Representative from one of the large industrial cities of the United States—Detroit—I can not allow to go unchallenged the statement of the gentleman from New York [Mr. LaGUARDIA] that this large appropriation for good roads—\$80,000,000—does not bring benefit to the large cities and industrial centers. As a matter of fact an appropriation for good roads is the best means that can be adopted in this country for promoting general prosperity and relieving general unemployment, including large cities. Consider the large city of New York first. The city of New York depends upon trade, commerce, industry, and agriculture, and if these rural communities are not prosperous, the city of New York is sick accordingly.

In my city, Detroit, before Congress and before the legislatures of the various States were alive to the beneficial influence of good roads, presidents and stockholders of the automobile companies spent hundreds of thousands of dollars out of their own pockets to develop good roads. As a matter of fact they are the fathers of the present good roads system and movements of the United States and of the world. Wayne County, Mich., in which they live and in which I live, is the model political unit of the world with regard to good roads. Other communities copy them.

We have in Detroit about 180,000 men out of work. That means about 800,000 people are suffering because of a want of the necessities of life. It means that we have these 800,000 people on the poor commission rolls, and that we are supporting them out of general tax funds. These are people who have come very largely from the rural communities of the United States. They came to Detroit because of the lure of big wages and a higher standard of living and because the conditions of living were not as pleasant in those rural communities as in this big city when they were working.

When you put good roads into the rural communities, you make life more endurable there and you make it possible for these hard-up Detroiters to return to former homes and you develop in these communities the raw materials which they have, again helping big cities, which can trade with the rural communities. That is why these appropriations for forest trails are particularly beneficial. They open up virgin territory, develop resources, and provide new labor and new homes.

Ignore the United States for a moment and ponder why these automobile millionaires spend a great deal of money out of their own pockets in traveling to Buenos Aires and Rio de Janeiro in order to encourage the 19 Latin American Republics to build good roads. Why do they pay for extensive and expensive roads propaganda? Why? Because if these

countries build good roads we will sell them automobiles and trucks and road-building machinery and many commodities and much raw materials. The city of New York lives very largely on the charges for freight and terminal and transportation charges on exports and imports. Sometimes the total cost of the shipment charges equals the cost of the product itself.

When good roads make the 19 Latin American Republics prosperous and they buy from us and sell to us in far greater quantities, no city profits more than New York. This port gets a rake-off coming and going.

Now, let us see how the cost of living in large cities is cut down by good roads. The necessities of life are produced cheaper, in larger quantities through more country being opened up, and they are transported much more cheaply. That is quickly made clear in this country. Roads in Latin American countries also cheapen the cost of living.

They have the necessities of life which are needed. They have sugar, and they have coffee, and they have mahogany and lumber, and they have copper and metals, and they have meat and fruits and rubber, which we will get more cheaply.

Now consider New York again. If these exports and imports increase in great volume, to the extent of hundreds of millions of dollars, they do not come entirely through New York alone, but they come through New York largely, so that you can not say that New York does not profit by these road-building operations. When you say that you are not telling the whole truth. New York not only profits by the exports and imports, amounting to millions of dollars, but also by the necessary financial transactions in handling the shipments and also in building up the industries. It is absolutely true that nothing is more essential to prosperity and to the relief of unemployment than road building. That is why the gentleman from Iowa [Mr. DOWELL], chairman of the Committee on Roads, and myself aided in authorizing appropriations of \$335,000,000 for road building in the last session of Congress. [Applause.] Now consider again the \$80,000,000 appropriation for United States roads. This Republic is one country. When one part of it is sick, other parts get sick. When the rural communities are aided, the big cities are helped.

Roy D. Chapin, one of our prominent automobile manufacturers, told me that it is necessary to make the rural communities, and particularly the Southern and Western States, prosperous to relieve unemployment in Detroit factories and particularly to promote Detroit's prosperity. That argument applies to New York, St. Louis, and other large cities as well as to Detroit. Therefore well-wishers of the country should vote for this appropriation.

Mr. WOOD. Mr. Chairman, the amendment which was just adopted, without change or debate, was offered by the gentleman from Ohio [Mr. CABLE]. I am just as much in favor of the employment of American citizens as anybody, but if this amendment is going to remain in the bill it will handicap and in many instances render ineffective this \$80,000,000 appropriation for roads. I do not mean to say that the gentleman from Ohio intends his amendment to have that effect, but I say it will have that effect.

This money is paid to the States which in turn employ contractors. Before a State could get any of this money it might have to make a showing from every contractor as to each employee not only on the main contract but every subcontract. There would be all sorts of complications for the departments here to untangle with the States as to whether or not a person is an alien and, if so, whether unlawfully here. You can readily see that it would be subversive of the whole benefit intended by this measure and impose difficulties of administration that would defeat the purposes to be accomplished.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield there?

Mr. WOOD. Yes.

Mr. WOODRUM. As I recall the language of the amendment that we have adopted, it relates to aliens in this country unlawfully.

Mr. WOOD. I would be inclined at first blush to withdraw my objection in that case; but suppose a question was raised with the contractor, and it was found that he did have an alien here in his employ who was in this country unlawfully. They would have to ascertain whether or not that was the fact before the State could get any money.

Mr. WOODRUM. It is my opinion that with the amendment as just stated it would be comparatively easy to work it out. All that a contractor would have to do would be to have the man prove that he was here legally. That would be up to the contractor.

Mr. WOOD. If this were not an emergency matter, I would have no objection to a properly workable amendment, but this is an emergency matter involving work to be done within six months and nobody knows what this amendment may do.

Mr. CRAMTON. I do not know what the procedure would be, and I do not think anybody else here now does know. But I think under that section the Comptroller General might have to have a showing as to every individual specifically. Sometimes it is even hard for those born in this country to establish that fact.

Mr. ARENTZ. It seems to me the whole thing could be clarified by simply saying that American citizens shall have the preference. I recall that on August 11 last, when the work on Boulder Dam was inaugurated, we expected to see American faces in the crowd assembled before us, and yet those we saw were mostly aliens. I think the problem would be much simplified if the preference were just given to Americans. We need not concern ourselves as to whether the aliens are here lawfully or unlawfully.

Mr. WOOD. I would require every contractor in the several States engaged in this work to find out the citizenship of every man employed. We will have a chance to remedy this matter on a separate vote on the amendment.

Mr. WOODRUFF. Would the gentleman entertain the proposition suggested by the gentleman from Nevada [Mr. ARENTZ]? If the amendment can be modified in that way under the rules, it should provide only that American citizens should be given the preference.

Mr. WOOD. I would prefer that nobody should be employed in this work but American citizens. But why select this time, when unemployment is rampant and should be remedied within six months? Why block the wheels in this way? The amendment may so tie up the appropriation as to make it thoroughly unworkable and ineffective by reason of the complications in administering it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BYRNS. Mr. Chairman, I did not happen to be on the floor when the amendment was adopted. I understand it applies to aliens not lawfully in this country?

Mr. WOODRUFF. Yes.

Mr. BYRNS. This money, as the gentleman has just stated, is to be allocated to the States; in other words, it is to be turned over to the States. How are you going to determine the question of unlawful residence before this money is turned over to the States? How are you going to know that it will not result in denying to some States the amount of money to be allocated?

Mr. WOOD. There can not be anything but trouble if this amendment is to remain in the bill.

I know you voted upon it because you were actuated by the same sentiments that actuated all of us, that there should not be an unlawful alien employed, but we do not want to destroy the purpose that we are trying to enact into law.

Mr. CRAMTON. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CRAMTON. The number that can be affected by this amendment is so small, comparatively, that it does not amount to very much so far as their employment is concerned. It does not exclude Mexicans, because they do not come in unlawfully. It does not exclude Canadians. The number from across the seas who are here unlawfully is so small that it seems undesirable to hamper this great project

by placing restrictions upon it which will make it difficult of administration.

Mr. LAGUARDIA. And we will get no work in New York, so that it does not make any difference to us.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SABATH. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Illinois [Mr. SABATH] is recognized.

Mr. SABATH. Mr. Chairman, ladies, and gentlemen, I did ask to be recognized before this amendment was adopted, but failed. However, the adoption of the Cable amendment strengthens my position in what I have to say. Mr. Chairman, it seems to me that you and those connected with the administration are not sincere or earnest about helping even the real American wage earner who has been for many, many months out of employment.

During the remarks of the gentleman from Tennessee, the gentleman from Wisconsin asked him whether he had any plan to suggest that would improve this unfortunate situation in which the country is. I will gladly, later on, answer the gentleman from Wisconsin.

Mr. Chairman, ladies, and gentlemen, outside of asking Congress for this appropriation, the President has failed to recommend any plan that might tend toward the stabilization of the stagnant business and the restoration of the confidence that might lead to the reemployment of the millions who, for months past, out of work, have been driven to seek charity. We have just now been informed by the chairman of the Appropriations Committee that the \$110,000,000 provided for in this bill will not create employment for more than approximately 30,000 people, and indirectly for not more than 40,000 people.

I am therefore putting it mildly when I say that the people are sadly disappointed, for it is indeed unfortunate that not only does the President fail to make a recommendation as to a plan to bring about the reemployment of the six or seven millions of men who to-day walk the streets seeking work, but he offers no suggestion whatever to lessen the sad plight of thousands of business men who are gradually but surely facing ruin, or to arrest the daily increasing number of bank failures, all of which is leading to an aggravation of already deplorable conditions.

To add insult to injury, his chief adviser, Mr. Julius H. Barnes, president of the United States Chamber of Commerce and chairman of the President's business survey conference, in effect tells us, Congress, the representatives of the people, that the less we say and the less we do, the better will it be. And that, notwithstanding the fact, that on the very same day, Col. Arthur Woods, chairman of the President's Emergency Committee for Unemployment, comes forth with the statement that our industrial system now finds itself "in a grave, stupid, and anomalous situation." "On the one hand," says the colonel, "the United States is a land with abundant resources of raw materials, plenty of man power, efficient manufacturing power, transportation and distributing facilities, and a seeming plethora of fluid capital. On the other, the country has hundreds of thousands—yes; millions—of men able to work, anxious to work, and craving the goods which the manufacturers have on hand and want to sell, but the go-between machine is dead—dark, black, cold, dead.

"Yet we do not know how to bring the two together," the colonel continues. "No one profits by the situation. Everyone loses." And he concludes with the statement that "it seems to be nobody's fault." This I deny.

The small group that engineered the criminal inflation and then unloaded many billions of dollars of worthless stock on the public and the administration which permitted it are at fault. And in the near future I shall submit a list of the stocks unloaded on the public at five and ten times their real value and a list of those absolutely worthless and, in addition thereto, a list of those who did the unloading. I am, however, satisfied that Colonel Woods is honest and sincere in his summary of the situation, in which he bluntly admits that no one connected with the administration seems to know just what to do about it. And in the face of all

this Mr. Barnes tells us to go home and do nothing but to leave it to those who admittedly know not what to do.

Mr. Chairman, ladies, and gentlemen, I agree with Colonel Woods in his statement that the situation is a crucial one; yes, a most desperate one. And, therefore, I most emphatically resent the orders of Mr. Barnes, who seems to express the views of the United States Chamber of Commerce, used by the Wall Street stock exchanges and boards of trade. I feel that it is our sworn duty to at least make an attempt to enact legislation that might, to some extent at least, re-establish the destroyed confidence and cause the resumption of the depressed business activities. Does not each and every one of you feel in your heart that you are duty bound to try?

I am neither a financier nor an expert economist. Yet I feel that you will agree with me—if not openly at least privately—that my suggestions, if adopted, will materially aid in bringing about the revival of general business and will restore confidence.

My proposition that I wish to submit will not, I well recognize, find favor in the eyes of the largest financial institutions but will be attacked by them for the very reason that the Federal reserve system, when same was being considered, was attacked—the innermost basis of their unfavorable attitude being the thought that they would not be able to control it. The fact that money is plentiful on Wall Street these gentlemen will not be able to deny. Money can be obtained at as low a rate as 1, 1½, or 2 per cent; but for the legitimate business money can only with difficulty be obtained, and then only at 6 or 7 per cent.

Such intolerable conditions should not be permitted to exist and should be remedied. This can very easily be done by widening the scope of the Federal reserve banks in the rediscounting of collateral securities. The Federal reserve system was created for the very purpose of relieving financial distress, and since this can be done by the widening of its scope of rediscount, why should it not be thus permitted?

I will not attempt to recommend to what extent the scope of the various securities should be widened, but surely there can be no objection to the acceptance of the municipal bonds and in some instances to the acceptance of railroad bonds and notes of finance companies used in financing the sale of merchandise. These companies, we must not forget, are great aids in marketing automobiles, radios, refrigerators, and other commodities.

In my possession I have many letters from bankers approving, and but few letters from the very large banking institutions disapproving, of my plan. I readily understand the disfavor with which the heads of the extremely large banks regard my plan. Their main reason is their fear of an inflation of credits; but God knows that if ever there was a time that legitimate business needed a broadening of credit, it is now. Another reason for objection that is given is that through my plan I propose the acceptance for rediscounting by the Federal reserve system of frozen assets. In answer permit me to ask, What makes these assets "frozen"? The answer is that they are not listed on stock exchanges or are not accepted for rediscounting purposes. I would be the last man to advocate the acceptance for collateral security of unsound and valueless paper, but will anyone contend that municipal bonds are not safe? Or will anyone deny the true value of bonds issued under supervision of the Interstate Commerce Commission? Every banker will admit that finance companies' notes, secured by liens or mortgages on above-enumerated articles as automobiles, are liquid—then why should they not be acceptable?

We regret and deplore the closing of a large number of banks throughout the country, and the pity of it is that these institutions must close their doors not because they are insolvent but because they find themselves with assets which are termed "unliquid" and which they can not sell on short notice or liquidate without tremendous loss, and which they can not utilize as collateral for even temporary accommodation. But should the plan outlined by myself be adopted and the securities mentioned permitted for rediscount and collateral purposes, even under the most

stringent rules, they will immediately be taken from the "frozen" into the liquid class.

Only lately have I observed that the savings banks in many States, as New York, California, Connecticut, Maine, Massachusetts, and Michigan, have been authorized by the superintendent of banks to purchase some of these securities or bonds which I am advocating for rediscounting purposes. That this will tremendously relieve 90 per cent of the banks throughout the United States can not be successfully contradicted; that this will further enable these banks to aid and extend credit to the local legitimate businesses and industries is but a natural conclusion; and, finally, that this extension of credit will permit businesses and industries to purchase needed materials and merchandise, and thereby start again the wheels of commerce, must be seen and conceded.

And finally, if I had the power, not only would I act favorably upon these suggestions but I would also accept for purpose of rediscount—with certain limitations and restrictions as to values—real-estate bonds and mortgages, and thereby not only save from foreclosure and loss the homes of thousands upon thousands of American citizens but also the savings of hundreds of thousands of small investors in these securities.

The loans to brokers for gambling purposes have been now reduced from six to two billions of dollars, a reduction of \$4,000,000,000. What possible excuse or reason can there be for not extending the use of that amount of credit, or at least one-half of it, for legitimate purposes?

Mr. Chairman, ladies, and gentlemen, I feel that all who sincerely wish to relieve conditions and desire to reestablish business, which will bring about the reemployment of the millions of unemployed, will cooperate with me, regardless of the admonition of Mr. Barnes, and help formulate legislation that in every way will safeguard unnecessary inflation and surely lead to the resumption of the commerce and business of the Nation.

This is my answer to the query of the gentleman from Wisconsin.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SABATH. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. CRAMTON. Mr. Chairman, under the statement that I made, I am obliged to object.

Mr. WOOD. Mr. Chairman, I move that all debate on the section now under consideration, and all amendments thereto, now close.

Mr. STAFFORD. Mr. Chairman, I make the point of order that that motion is not in order. Under the rules of the House, there must be some debate under every paragraph.

Mr. WOOD. There was debate under this paragraph.

The CHAIRMAN. The point of order is overruled.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

Flood control, Mississippi River and tributaries: For prosecuting the work of flood control in accordance with the provisions of the flood control act, approved May 15, 1928 (U. S. C., Supp. III, title 33, sec. 702a), \$3,000,000, to remain available until expended.

Mr. HARE. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, it is not my purpose to trespass upon your time to advance some suggestions I consider pertinent in connection with this bill, but I want to call attention to the fact that we are appropriating only \$110,000,000 to relieve unemployment, a situation well recognized throughout the entire United States, for it is not confined to any one section. It has been stated that we have 7,000,000 people out of employment. If that be true, this will mean only about \$15 per person. I can not conceive of intelligent, good business men trying to relieve the unemployment situation with \$15 per head. It will not be done. It can not be done, yet we can not afford to oppose the bill. I was very much in hopes that the committee

would bring in a bill representing a constructive program, a program that would not only relieve the unemployment situation but at the same time would mean something really constructive on the part of the Government.

I felt that the committee would bring out a bill providing for the appropriation of \$400,000,000, which would have been a sufficient amount to have erected a post-office building for every second and third class office in the United States. It would have been equivalent to erecting every building necessary for second and third class offices in every district in the United States; it would have meant the erection on an average of at least 32 post-office buildings in every congressional district represented in this body. These 32 buildings would have given employment to every unemployed man within these districts and at the same time it would have obviated the necessity of expending approximately \$15,000,000 annually for rentals, for the report of the Postmaster General shows that we are paying about \$15,000,000 a year rent for buildings used by second and third class offices. This would be a good business proposition. It should appeal to the business intelligence of every man. It would have been equivalent to putting this money out at 4 per cent interest, a greater rate of interest than the Government is obtaining on any loan made, except the loan to the World War veterans, where they are required to pay 6 per cent, and I might say just here that I am in favor of paying their adjusted-service certificates now. Such a building program would be constructive and a commendable program and at the same time it would have relieved the unemployment situation.

This would also have been a most opportune time for the committee to have brought in a bill providing for the construction and maintenance of the rural post roads throughout the United States, for, according to estimates recently made, it would take only \$800,000,000 or \$900,000,000 to construct every mile of the roads now traversed by rural routes on unimproved highways. Such a program would give employment to the millions of unemployed for two or three years or more and at the same time relieve the burden resting upon agriculture and industry. This is not a big sum when it comes to giving relief to millions of our own people who are unemployed and bringing greater comfort and convenience to the millions living in country or rural districts, where they have little or no way of getting their produce to markets.

Either of these programs would have been a good business proposition, for a good building is an asset to any business, a good transportation system is an asset to any nation, and a good highway system is an asset to every man, woman, and child, and every type of business in the United States. I feel it would have been the exercise of wisdom, the exercise of good judgment, if we had gone ahead and said that for the next 12 months or the next two or three years this Government will endeavor to build all the post offices needed for carrying on the Government's business and would attempt to construct the highways necessary for furnishing efficient postal services to the people obtaining mail on rural routes in the various sections of our country.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. CABLE. Mr. Chairman and members of the committee, the first duty of this Nation in the matter of employment on public works is to Americans, next to aliens lawfully in this country. The purpose of this bill is to aid employment. Now, the amendment which I have offered and which has carried provides that no alien who has violated the laws of this Nation in coming into this country shall be employed with any money provided for in this bill. How would this amendment operate? In the first place, our immigration laws provide that every alien coming lawfully to the United States be given a certificate of arrival. He has that certificate or card of identification. If he

wishes employment on any of the work provided for in this bill he may present his card to the contractor to show his lawful admission.

President Hoover in his message to this Congress called attention to the fact that there are thousands of aliens unlawfully in this country, that this Congress should pass some law to help rid the Nation of the undesirable aliens. The amendment which I have offered would not only provide employment for Americans and the aliens lawfully here but will help carry into effect the ideas of the President, because it will assist in the ascertaining of the aliens unlawfully in the United States. I doubt if there is a Member of this Congress who is in favor of either admitting an alien contrary to our laws or permitting such alien to remain in this country.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. CABLE. Yes.

Mr. O'CONNOR of New York. I understand that aliens who came in illegally up to June 4, 1921, have had their entry legalized. Is that correct?

Mr. CABLE. That is correct.

Mr. O'CONNOR of New York. And there is a bill pending, which, it is presumed, will be passed, legalizing the entry of such aliens up to 1924. Is that correct?

Mr. CABLE. That bill has not passed.

Mr. O'CONNOR of New York. Has the gentleman in his amendment, however, taken care of those people who did come illegally, and there is no question about the fact of their entry, but whose entry has been legalized? I am not sure that he has.

Mr. CABLE. I think it would take care of them.

Mr. WOOD and Mr. SABATH rose.

Mr. CABLE. I yield to the chairman of the committee.

Mr. WOOD. There is nobody doubting the integrity of purpose of the gentleman from Ohio, but the gentleman is not only prohibiting, by his amendment, the employment of aliens unlawfully in this country but he is tying this thing up so that honest aliens and honest Americans can not be employed. I am reliably informed that there could not be an allocation made by the Department of Agriculture to a single State until the State had made a showing of the employees on this road work that was approved by the Comptroller General. How is the gentleman going to get around that?

Mr. CABLE. I can not agree with the chairman. The proposition would be that no contractor would employ such aliens, and it is an easy matter for a person who presents himself for employment to prove that he is an American and entitled to work in preference to an alien illegally here, and it is an easy matter for an alien who has come here lawfully to present his certificate of arrival.

Mr. WOOD. It would take more than the six months within which this money is to be used to do the very thing the gentleman is talking about.

Mr. CABLE. I can not agree with the chairman, because this would expedite the work and carry into effect the very purpose of the Congress in taking care of American labor and those lawfully here.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Sec. 3. A report shall be submitted to Congress on the first day of the next regular session showing, by projects or other appropriate detailed classification, the amounts allocated under each of the foregoing appropriations, the expenditures under each allocation, and such other information which the President may deem pertinent in advising Congress as to the allocation and expenditure of such appropriations.

Mr. LaGUARDIA. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LaGUARDIA: On page 4, after line 13, add a new section to read as follows:

"Sec. 4. No money of any sum in this act appropriated shall be used to pay wages of any skilled or unskilled labor working over seven hours a day except in cases of emergency imperiling the work under construction."

Mr. WOOD. Mr. Chairman, I make the point of order that this is not a limitation. I will reserve the point of order if the gentleman wishes.

Mr. LaGUARDIA. Oh, no; go ahead. If it is not a limitation, I do not know what would be.

Mr. WOOD. I make the point of order, Mr. Chairman, that this amendment is not in order, because it is not a limitation upon an appropriation and is also legislation.

The CHAIRMAN. What rule does the gentleman refer to?

Mr. WOOD. I am making the point of order, in the first place, that it is not a limitation, and that failing, I am making the point of order it is legislation upon an appropriation bill. It is clearly legislation.

The CHAIRMAN. If the gentleman will state upon what rule he bases his point of order, the Chair will be pleased to consider it.

Mr. WOOD. I base it upon the rule that you can not have legislation upon an appropriation bill.

The CHAIRMAN. Then the gentleman makes the point of order under clause 2 of rule 21. Does the gentleman from New York desire to be heard?

Mr. LaGUARDIA. I will rest on the argument made by the gentleman from Indiana.

Mr. LEHLBACH. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New Jersey.

Mr. LEHLBACH. This is not a general appropriation bill. The general appropriation bills by the precedents are the annual supply bills and included in the classification of general appropriation bills are the general deficiency bills. No other bills are general appropriation bills and the rules with respect to legislation on general appropriation bills and with respect to privilege of such bills do not apply to a bill simply because it carries specific appropriations that are not in a general supply bill. Therefore, in the first instance, this bill was not privileged. Its report without reference was subject to a point of order, and its consideration here is under unanimous consent after its improper report had been waived, no point of order having been made.

The rule with respect to legislation on a bill and the rule with respect to limitations do not apply to this measure whatsoever.

The only rule that applies with respect to the amendment offered by the gentleman from New York [Mr. LaGUARDIA] is whether the amendment offered as a new section is germane or not. If it is not germane, it does not make any difference whether it limits the appropriation or not.

Now, what does this bill take care of? It simply appropriates money and determines how that money is to be applied on certain works heretofore authorized. It has nothing to do with the personnel who are to be employed, the manner in which the work is to be carried out, or anything at all except the money that is to be used in addition to the money heretofore regularly appropriated. For that reason I maintain the amendment of the gentleman is not in order, because it is not germane.

Mr. LaGUARDIA. Mr. Chairman, I want to reply to that statement. The gentleman first argues for about five minutes that the limitations applicable to appropriation bills do not pertain here, and then he argues that my amendment is not in order, although under the present situation I have wider latitude than under the very definition of an appropriation bill stated by the gentleman from New Jersey, and this is a bill for emergency relief, for unemployment; surely, the question of conditions of labor is germane. If it is not germane, then nothing in the bill can possibly be germane.

The CHAIRMAN (Mr. SNELL). The Chair is ready to rule. The only question the Chair thinks he should take into consideration at the present time is the general question of

germaneness, although he agrees in main with the statement made by the gentleman from New Jersey [Mr. LELHBACH], that the question of inhibition to legislation in general appropriation bills is not applicable in this case. This bill deals with several different subjects, and in a general way, gives instruction in several different ways in which the money appropriated by the bill is to be expended. As the Chair understands the additional section offered as an amendment by the gentleman from New York, it simply provides a limitation, or further general instructions as to the expenditure of this money. The Chair, therefore, thinks the paragraph is germane at this point in the bill and overrules the point of order.

Mr. LAGUARDIA. This amendment will require the employment of one additional man for every eight men otherwise employed. Because if you take one hour a day off of each worker, and one additional man to every eight will be required to do the work—if the men work seven hours a day instead of eight.

Now we have heard much talk about getting to the root of the present unemployment situation, and, gentlemen, here is the root. Under our system of production and use of machinery, we can not employ all of the available manpower that we have in this country. Machinery is displacing the workers. The only answer is reduce the number of working hours and employ more men.

Sooner or later we must make a start, and I know of no more propitious time than now, right in this bill for the relief of unemployment, purporting to be an emergency-relief measure, than to write into the law a 7-hour day in order to create a greater spread and employ a larger number of men.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. CRAMTON. Does the gentleman have in mind that \$80,000,000 is to be expended in a 50-50 cooperation with several States, and his amendment possibly would prevent the cooperation of some of the States? The gentleman does not know what statutory or constitutional provisions of those States might be involved.

Mr. LAGUARDIA. There can be no constitutional question in this matter. The relation between the States, the Government, and the contractor and his workingmen is in each instance a contractual relation. Any contractor or any State, in order to avail themselves of the provisions and benefits of this bill, can be required to agree to work their men no longer than seven hours a day. It is a condition to receiving the benefits which the bill provides. Such condition may be properly imposed. We can make the hours of labor one of the conditions under which the advantages of the bill may be obtained.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAM E. HULL. What if the State of Illinois refuses to accept it; the employment would not go along. I think the gentleman is making a mistake, for this reason: Every State has its own road construction, and they have to carry out their laws accordingly. If you do this, you will ruin the whole thing.

Mr. LAGUARDIA. I do not believe that the great State of Illinois is going to refuse the advantages offered by this bill because we say that seven hours a day instead of eight hours shall constitute a day's work. This is an emergency provision to take care of unemployed. It is quite proper, and even necessary, to employ as large a number of men as we possibly can. The only way to do it is by shortening the day. We are not concerned with contractors' profits as much as we are in providing work for unemployed men. Let the House translate into something concrete its desire to relieve unemployment.

Mr. WOOD. Mr. Chairman, ladies, and gentlemen, I think a mere reference to one situation will convince every person here who wants to see the bill passed and be effective that this amendment should be defeated.

There are a lot of contracts now in every State in the Union, contracts made upon an 8-hour basis or a 10-hour

basis or a 9-hour basis. This money ought to go for the purpose of speeding up these contracts. This amendment might mean the modification of those contracts or the State could not get the money. If the amendment offered by the gentleman from Ohio is adopted, it means almost impossible administration of this fund for Federal aid. In my opinion the Agricultural Department would never advance a dollar until they had the ruling of the Comptroller General upon both of these propositions, and I hardly know what kind of regulations he could make to carry out what is intended.

I want to say that I feel that you are all conscientiously of the opinion that this bill should pass for the employment relief which it may afford; if you want to defeat it, strike out the enacting clause, but do not cripple it by throwing monkey wrenches into the machinery so that it can not work at all. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken, and the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to speak out of order for five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I hope the entire membership will pay serious attention to the amendment which was adopted at the bottom of page 2, offered by the gentleman from Ohio [Mr. CABLE], applying to the sums to be made available for Federal-aid highway systems, and be prepared to strike out same when the bill is reported to the House. I am sorry to differ from my colleague the gentleman from Ohio [Mr. CABLE], but I am satisfied that this amendment will bring about an unworkable situation. It provides that no part of the sum so appropriated shall be used in the employment of an alien whose entry into the United States shall have been unlawful.

Mr. CHINDBLOM. Oh, the gentleman from Washington is mistaken in his reading of the amendment. The gentleman says:

No part of the sum so appropriated.

The amendment reads:

No part of the sum so advanced.

Mr. JOHNSON of Washington. We all desire to see money advanced to help unemployment, but it must be apparent to every person here that an effort to weed out of employment by contractors all aliens who are illegally in the United States would be a task that could not be accomplished in months. Where is the machinery? Where is the step necessary to go behind the contractors? This proposal or something similar to it has been offered from time to time in several matters of Federal construction, as, for instance, in the Boulder Dam construction; but the proposal has invariably fallen back to the laws of the States with regard to the employment of aliens. Will the alien himself say that he is illegally here? In the interest of getting the bill passed quickly, and not having it delayed in conference, the amendment should be defeated.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. CHINDBLOM. I called attention of the gentleman to the words "so advanced," and I venture to say that this limitation will not apply to any money that is expended directly by the Federal Government itself but only to the money that is advanced to the States, because that is the reading of the amendment.

Mr. CRAMTON. The whole \$80,000,000 is advanced.

Mr. CHINDBLOM. It applies to the \$80,000,000 and nothing else.

Mr. CABLE. That is what I intend to carry along with this money—the protection from aliens unlawfully here.

Mr. JOHNSON of Washington. And who will find the unlawful alien?

Mr. CABLE. The contractor.

Mr. JOHNSON of Washington. How can the contractor find that out? No matter how desirable the purpose, I sincerely believe the amendment will create confusion and delay.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment back to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14675, with Mr. CHINDBLOM in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. Under the rule entered into last evening prior to adjournment, one hour of general debate remains, of which the gentleman from Colorado [Mr. TAYLOR] controls 45 minutes and the gentleman from Michigan [Mr. CRAMTON] 15 minutes.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 25 minutes to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I ask the attention of the committee in a discussion of the Gifford Resolution No. 292, looking to the elimination of the lame-duck session of Congress. I believe that it is open to very serious objections.

First. There has been undoubtedly throughout the country a strong demand for the elimination of the short session of Congress, known as the "lame-duck" session, on the ground that many who are defeated for reelection at the preceding November election can sit and legislate in the Congress from December to March 4. The popular demand to get rid of the short session has arisen for the above reasons, and therefore the amendment should be limited to that one question, and none other, while this proposal contains seven others besides this one.

Second. The amendment contains besides the elimination of the short session seven other changes, two of which provide for changes in the present Constitution of the terms of President and Vice President and Members of Congress, and these seven additional measures stand unrelated to the main object of the amendment. Such a combination is at least unusual and shows a lack of precision and coordina-

tion; and these seven objects are not only unrelated to the main subject but are in some cases unrelated to each other; and here we have tied up together seven propositions, one of which is the basic cause of the amendment, to run the gauntlet of popular approval. The opposition by the public to one of the seven, or the combined opposition of the public to the whole seven, may be so strong that even to secure the abolition of the lame-duck session many would not vote for the amendment in this form. What would have been thought of putting the woman's suffrage amendment and that for electing Senators by the people together in one amendment, or to have added the prohibition amendment to either one? Neither one would have had a fair chance before the people, as would a succinct, definite change on the one subject which has aroused public interest.

This amendment presents a job lot of "hand-me-downs," a mosaic of many colors and varying hues, instead of a clear, simple statement radiant in the white light of clarity and certainty.

Third. It provides for ratifications by the legislatures of the several States instead of by convention in those States. We have been too lax in the past in allowing amendments to be ratified by the legislatures of the States.

Now, I do not propose to discuss the merits of the main question, the elimination of the lame-duck session. Much can be said in its favor, and much has been said on the subject that, in my judgment, will not bear the test of critical examination. I will not discuss it, therefore, as I feel there is nothing before us now except the Gifford and Norris resolutions, and I believe they are not needed, as the short session of Congress, the lame-duck session, can be eliminated by an act of Congress, avoiding the long and tedious method of amendment, which is not needed, for the Constitution of the United States, Article I, section 4, provides specifically for it; and if this be so, why this amendment now?

It is only necessary to call your attention to Article I, section 4, of the Constitution, where it is provided that—

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

That shows the right we have to appoint any date.

Now I have stated there were seven other changes proposed in this amendment besides that proposing the abolition of the lame-duck session. What are they?

First. A change in the term of President and Vice President.

Second. A change in the terms of Senators and Representatives.

Third. Provisions for the succession if the President elect dies.

Fourth. The succession in case a President is not chosen before his term begins.

Fifth. The succession in case of failure of the President elect to qualify.

Sixth. The succession in case the President elect and Vice President elect both fail to qualify.

As to these changes, it may be said that the change of term of President and Vice President and Senators and Representatives can only be done by a change in the Constitution, and the change of those terms are not necessary in order to accomplish the elimination of the lame-duck session.

Seventh. The succession in case of the death of any of the persons from whom the House of Representatives may choose a President when that duty devolves upon them.

Section 4 of the resolution provides:

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolved upon them.

That refers, of course, to where the election is thrown into the House of Representatives, where their choice must be made "from the persons having the highest numbers not exceeding three on the list of those voted for as President."

As to the proposed changes 3, 4, 5, 6, and 7, we have no doubt that they can be made by a law of Congress, and therefore do not require an amendment to the Constitution, and for myself, I think those provisions might well be enacted into law by the Congress.

Now, that brings me to discuss the grounds on which these provisions can be provided for by a law or laws of Congress, without amendments to the Constitution. These provisions here—3, 4, 5, 6, and 7—in my judgment, can all be carried out by an act of Congress. Why? Take No. 3, involving the succession in the case of the death of the President elect.

Now, we all know, and I hope we will never forget it, that before this Congress can enact any law we must be able to point to the authority in the Constitution that gives us the power to enact it. How can we pass a law affecting the President elect?

We find, on examination of the Constitution, in Article I, section 8, an enumeration of the powers of Congress. In this section great powers are given to Congress; first, the power to lay and collect taxes, coin money, establish navies, and raise armies; and after the enumeration of 17 powers, at the close of that enumeration of powers given to Congress, we find this language:

The Congress shall have power to make all laws which are necessary and proper to carry into execution the foregoing powers.

This is clause 18 of section 8 and known as the "coefficient" clause.

Now, if we desire to pass a law affecting the succession to the Presidency after the President elect has died before his term begins, we look back into these 18 clauses of grants of power to the Federal Government under section 8, and we can not find any power given to Congress, not one that would justify legislation about the President elect. The President is not mentioned in any power given in that section.

Does not that end it? There is the enumeration, and we find there is not one of the 17 grants of power, not one of them, on which you can stick a law to regulate the succession in case of the death of the President elect. But see, I omitted a clause of the above coefficient clause at the end. Here is the clause in full:

The Congress shall have power to make all laws which shall be necessary and proper to carry into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

There you are. In Article I, section 8, there is no power to which you could stick legislation with reference to the perpetuation of the presidential office.

But in the addition here we can find that there are other powers granted to the Federal Government in the Constitution besides those 18. If we can find one there that relates to the Presidency, to which we can attach such a law, it is all right.

I turn to the next page of the Constitution and there I find Article II, which opens with these striking words:

SECTION 1. The executive power shall be vested in a President of the United States of America.

There is the provision in the Constitution fixing the executive power in the President, thereby making the President, as its possessor, one of the chief beneficiaries of any "necessary and proper" law to be passed by Congress to preserve the executive power in its contiguity and stability.

But before we go further let us examine critically the language of this clause:

Congress shall have power to pass all laws necessary and proper to carry into execution the foregoing powers.

The law that we propose must be "necessary and proper" to carry into execution the power granted in the Constitution; necessary and proper. Must the law be absolutely necessary? We have been running now 141 years, and in that time has this been necessary?

We have been operating for over 100 years as a government, and this has not been necessary yet. Judge Marshall

and Judge Story settled this meaning without trouble. It does not mean that the law that we propose must be absolutely necessary and the only one that is needed, but, that any one means of a dozen, 2 dozen, or 50, that may help in the development, preservation, and progress of the power, are regarded as necessary. Judge Marshall used this splendid, never to be forgotten language: "Let the end be legitimate." What does that mean? Let there be a power in the Constitution that you are working up to, to develop and carry out. "Let the end be legitimate, let it be within the scope of the Constitution, and all means," not one absolutely necessary—

And all means which are appropriate, which are clearly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

Judge Story has epitomized this expression in a very happy way that the word "proper" means "bona fide appropriate." He, of course, recognizes the definition in reference to the word "necessary," that it is not confined to the one thing that may be absolutely necessary, for, the idea, as shown all through the structure of the Constitution, was a desire that certain great national powers should be given to the Government, and that after they were given, the Government should have the fullest and most ample power to develop them, and let them have "free course and be glorified." All else was left to the States. These you can not touch. You can not interfere with the States. If you have a proposition that you want to develop, look at the Constitution to see if there is anything there giving the power to do it. If there be, then do it. If you can not find anything there that gives the right, you can not do it; for, even the coefficient power can not give it to you, for it is only ancillary to powers granted in the Constitution, and the coefficient clause was added in order to give the fullest development to all Federal powers.

What is a proper law? Judge Story defines it most happily, that it must be bona fide appropriate; must be appropriate in good faith; not a device to fool somebody, but honest and straightforward; and it must be intended to carry out some Federal power that is fixed in the Constitution. "Bona fide appropriate." For instance, we see an example of it in the recent child labor law, where it was declared that not a bolt of goods made in a factory where a boy under 14 had been employed for one hour during the year should be permitted in interstate commerce. That bill was brought into this House as a bill to regulate commerce. Judge Story said in order to do that it must be bona fide, in good faith; bona fide appropriate to interstate commerce. When the court came to look at it, the court said, in effect: "That is not bona fide. You know when that bill was passed that it was done not to facilitate commerce but to control child labor, which the Federal Government has not the power to control." It was not in good faith.

I could give you many examples—for instance, the old case of *McCulloch* against Maryland, and one of the most interesting cases is that of *Hepburn* against Griswold, which many of you will remember. That was a case where a party had gotten \$5,000 before the Civil War and had given his note for it. When it became due, during the war, gold had gone down to 2 or 3 or 4 to 1 of greenbacks, the debtor came forward modestly, most earnestly, and handed greenbacks to the creditor, saying, "Here is your money. Take it." Greenbacks had been made legal tender. That was not good faith, and the court said so, but unfortunately that case was reversed two or three years afterwards; but it involved just the question I am discussing before you, that the moment you attempt a fraud on the Constitution it will not stand.

Now you say, "How are you going to reconcile these matters with the election of a President elect?" He is not President until the 4th of March. When we meet in this House with the Senate and the votes are counted on the second Wednesday in February, the Constitution says that when the votes are counted and it is found that any one man has gotten a majority of all the electors he shall be Presi-

dent, but the term does not begin until the 4th of March. Have we the right, then, to legislate now with reference to a President elect before he is an officer?

I invite you to read the second article of the Constitution: "The executive power of this country shall be vested in a President," and there is page after page, showing how the Government of the United States directs the election of President, prescribes how it shall be done, and so forth. And remember, that this Government, with its three great powers—legislative, executive, and judicial—a trinity in unity, each independent of the other, thank God, and yet they are related each to the other and in large measure dependent on each other. This is one of the great powers of the Government which can not be abrogated for a month or a day. It must be continuous and unbroken or the Government will go to pieces.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. TAYLOR of Colorado. I yield five additional minutes to the gentleman from Virginia.

Mr. TUCKER. They say: How do you reconcile that? It might be true as to a man who is an officer of the Government. Well, it is more than that, gentlemen. We are standing by one of the great essential powers of this Government. The Constitution says that those powers must be preserved, and as the Constitution puts that executive power, in the very language which I read you, into the hands of the President, the President must be protected and his life must be preserved in order that the Government may go on with the ordinary processes. When that President is declared from that desk to have been elected, after the votes have been recorded, he becomes the living fetus in the womb of the Constitution. He becomes from that moment a child of the Constitution, not yet ready to serve his term, not yet ready to come into his own, but the spark of life is there, and it is our duty to protect that life. It is bona fide appropriate. It is one of the necessary things that should be done.

Now, that is my view of this matter. I think this amendment is a sort of a kaleidoscope. It has some things in it which, in my judgment, should be enacted into law.

There has been introduced into the House by the gentleman from Wisconsin [Mr. STAFFORD] a bill in the last day or two which may furnish a very good start in this direction. But it will not do, to encumber the Constitution with nine propositions, seven of which can be attended to by Congress, and we should not change the term of the President and Vice President when it is not necessary to do so in order to accomplish this.

In conclusion, let me summarize the argument. Under the Constitution every power granted to "the Government of the United States, or any department, or officer thereof," shall have the aid of Congress by laws which are "necessary and proper" to carry into execution such constitutional powers. In this case, and the others are similar in character, the executive power in the Constitution is vested in the President (Article II, Constitution of the United States). The Constitution gives to Congress the right under the coefficient clause—indeed, a double duty—first, the "carrying into execution" of this "executive" power; and, second, of protecting the President, the possessor of the power, from the day of his election, when the votes are counted in his favor by Congress, to the beginning of his term; and since his death before his term begins would create chaos and break the continuity of the executive power, it is obvious that the succession in case of such death is a proper subject for a "necessary and bona fide appropriate law" by Congress to preserve this power intact and save the Government. [Applause.]

Mr. CRAMTON. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the committee has just listened with close attention, and deservedly close attention, to a fine exposition of the Constitution by our constitutional expositor, if I may use that term, in criticism of the resolution for a constitutional amendment reported from the Committee on the Election of President and Vice President

and Representatives in Congress. This provides not only for doing away with the so-called "lame duck" sessions of Congress but, he contends, six other amendment proposals to the order now existent.

The gentleman did me the courtesy of referring to a bill which I introduced on last Wednesday and to which I referred briefly, in a colloquial way, on the second day of this session, that bill seeking to change the meeting days of Congress.

We all agree that if the end to be attained can be accomplished by statute it is far better to pass a statute than embody it as a part of the organic Constitution.

I have given considerable thought to the question of the assembling dates of Congress, with the idea of doing away with the hold-over sessions. There is a general protest throughout the country against a Congress meeting after an election and passing legislation of a substantive character, such legislation being passed by a body that has been renounced, perhaps, by the electorate.

I recall well the most stirring scene I ever witnessed in this Chamber. It was in 1911, after the Republicans had been defeated in the congressional elections, after having had control of the Congress for 16 years. On the last day of the session, the Republicans then in control sought to pass through this body a bill which had just been passed in the closing hours of that Congress by the Senate providing for a tariff commission. It was bitterly fought by the Democrats, and rightfully fought, on the ground that the Republicans had no right, having been renounced by the country, to pass a substantive bill providing for a tariff commission. Feeling ran so high that one Member in the well here, with a knife in his hand, was threatening the aged Speaker, Uncle Joe Cannon, for recognizing the Republicans to put that bill across.

I present to you for your serious consideration this supposition: Assuming that the last election had been a presidential election and the Republicans had suffered a little more of a reverse than they did in the past election, losing not only the House but the Presidency, would it be meet and right as a representative body to legislate on substantive matters after the people had expressed their will decisively against their continuing in control? There is no other legislative body in the world which meets to legislate after it has been rejected by the electorate.

Now, you ask for the proposal which I submit in lieu of the existing order. I would do away with all of these so-called hold-over sessions after an election, except those called together in extraordinary session by the President in emergencies. I would have the Congress meet in regular session on the 6th of March following the election. I would have that session virtually the short session, to consider the appropriation bills in a 4-month period, as the Congress to-day has two and a half months to consider those appropriation bills, and unless there was some pressing legislative program which required our being in session after July 1, I would expect the Congress to adjourn of its own motion about that date.

Then I would provide that the Congress meet on the second Monday of November following. That is not essential; they could meet after the holidays, but I believe that with the growing legislative business of the country there should be one long session of Congress, which should meet on the second Monday of November or such other date in the fall as the Congress might determine, and run along until adjournment in the following summer. If, perchance, the Congress which met on the second Monday of November should adjourn before the first of the year then I provide that Congress should meet on January 4, in order to meet the constitutional mandate that Congress shall meet once in every year. That would be the long session. Then I provide that if, perchance, the long session of Congress which continues into or meets in the even-numbered years should not have adjourned over the hot summer months, that it should mandatorily adjourn on the last Saturday in October. Then there would be no hold-over, lame-duck sessions after an election under the terms of this bill.

Mr. CABLE. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. CABLE. What Congress would determine the electoral vote?

Mr. STAFFORD. I am glad the gentleman asked that question. I also provide that after every presidential election the Congress should meet on the third Wednesday in February for the purpose of counting the electoral votes. This would be a meeting of the lame-duck session, as you say, but only once every four years, meeting on the third Wednesday in February, giving ample time to count the electoral vote, and to vote as we have only voted once in the 140 years of the history of our Government for a President when there has not been a majority of the electors for any one candidate for President.

Now, if I may cite an interesting historical fact that I have just adverted to. In 1825 William H. Crawford, of Georgia, Andrew Jackson, of Tennessee, John Quincy Adams, of Massachusetts, and Henry Clay, of Kentucky, were the candidates for President.

Though Henry Clay and John Quincy Adams did not together have a majority vote and Crawford and Jackson did have, the House of Representatives under the twelfth amendment to the Constitution elected John Quincy Adams for President. It is an interesting fact that while neither of the presidential candidates had a majority vote of the electors the candidate for the Vice Presidency, John C. Calhoun, did have a majority vote and therefore the Senate was not required to vote for the election of Vice President.

Mr. MONTAGUE. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Virginia.

Mr. MONTAGUE. I did not hear all of the gentleman's remarks. Do I understand that the plan which he has been discussing is in the form of a bill?

Mr. STAFFORD. Entirely so.

Mr. MONTAGUE. Therefore the gentleman is of the opinion that it is within the competency of the legislative body to do this rather than by amendment to the Constitution itself?

Mr. STAFFORD. Yes. It does not require my calling the attention of the gentleman or any Member of the House to the fact that section 4 of the Constitution says that Congress shall assemble once in every year and that such meeting shall be on the first Monday in December, unless they shall by law appoint a different day; and I may say that in the early days of the Government, almost invariably, the Congress did appoint a different day for the assembling of the Congress before the first Monday in December.

Mr. MONTAGUE. Yes; I just wish to elicit definitely from the gentleman the fact that his plan is within the competency of the Congress itself to accomplish.

Mr. STAFFORD. As far as arranging the dates for the assembling of Congress, and I think I have proposed a reasonable program.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CRAMTON. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. STAFFORD. I am free to admit that this bill does not provide for the hiatus referred to in the resolution for a constitutional amendment on the House Calendar for the far-fetched contingency that in case the President elect and the Vice President elect should both die after the Electoral College has counted the votes, that there is no provision of law to meet that emergency. But the distinguished constitutional lawyer from Virginia states that Congress even has full authority to provide for that contingency. But if there has not been in all these 140 years of government a need for meeting that contingency, what is the need of meeting it if a constitutional amendment is necessary? We met a much more direful condition that confronted the country in the election of 1876. The Congress, instead of waiting as provided under the Constitution for the second Wednesday of February to count the votes, in the early days of January passed resolutions providing for a mechanism whereby that electoral mix-up was met.

I am advocating a program for meeting dates of Congress that can be obtained at once. I think the country is demanding the elimination of the so-called lame-duck sessions of Congress. I do not want any substitute passed that will not bring this about.

This measure, in a way, is not exactly a substitute for the constitutional amendment. I shall vote for the constitutional amendment, but I think the House should be given an opportunity also to register its will on this bill or some similar bill so as to correct the existing legislative order at once, and I have asked the chairman of the Committee on the Judiciary, seated before me here, for a hearing on this bill, thinking it of sufficient importance that the House should have the judgment of the Judiciary Committee of the House in determining whether the plan I have suggested is workable and feasible.

It is a rather interesting fact that March 4 was never referred to in the original articles of the Constitution. It just happened by reason of a historical resolution passed by the Congress acting under the Articles of Confederation.

As you all know, nine States ratified the Constitution in the forepart of June, 1788. Virginia had not at that time ratified it; neither had New York. In the latter days of June, 1788, Virginia ratified the Constitution and New York followed the next month. But the Congress, under the Articles of Confederation, undoubtedly for the purpose of allowing North Carolina and Rhode Island, the other two remaining States to ratify it, which never ratified the Constitution until after the Government had been organized, postponed submitting this resolution providing for the beginning of the Government for passage until September, 1788, when they set forth in a resolution that passed the Congress that the first Wednesday of January, 1789, should be appointed the day for the election of electors, the first Wednesday of February for counting the electoral vote, and the first Wednesday of March for the beginning of proceedings under the Constitution, and that is how it happened that March 4 was decided upon for the organization of the Government. True, in the amendments to the articles, Article XII, the 4th of March is referred to, but in 1808, when this amendment was proposed and when the Congress was confronted by the confusion resulting from the Burr-Jefferson embroglio, where each had the same number of votes and Aaron Burr was seeking to get the Presidency as opposed to the popular will—

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. TAYLOR of Tennessee. Mr. Chairman, I yield the gentleman three minutes more.

Mr. STAFFORD. They did not make any provision in the twelfth amendment providing for a different date for the assembling of Congress or for a change of the date for the beginning of the terms of Members of Congress.

Now I think we all agree that there is a serious situation that should be considered by the membership of the House, whether when an election that is held in November and the country has decidedly resolved that it is in favor of a new order of things—whether we should have Congress convene on the 4th of January and wait two weeks before the President takes his office, as is provided in the proposed constitutional amendment, whether we should have an entire new order taking hold of things, or whether we should allow the then Congress to continue in office, and only meet in regular session once in every four years for counting the electoral votes—even though it is a hold-over Congress, which only once in 140 years has been called upon to elect a President—whether it is not better to allow the existing order to continue as to the terms of the President and of Members of Congress rather than to adopt a new plan that may present difficulties and embarrassments not contemplated by the sponsors of the proposed amendment. If we can attain what we are after, to do away with the lame-duck sessions by statutory provision, as I think I have done in House bill 14440, I believe then that Congress will not be so inclined to pass a constitutional amendment which might

involve all kinds of embarrassment which we can not now foresee. [Applause.]

The CHAIRMAN. If there is no further request for debate, the Clerk will read.

The Clerk proceeding with the reading of the bill read as follows:

OFFICE OF THE SECRETARY
SALARIES

Secretary of the Interior, \$15,000; First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, \$358,000; in all, \$373,000: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, as amended, with the exception of the First Assistant Secretary and the Assistant Secretary the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, as amended, and is specifically authorized by other laws.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. I listened with a great deal of interest to what my good friend, the able Representative from Wisconsin, said about lame ducks and the necessity for changing conditions to meet modern thought on the subject of legislation. The Representative is a profound student of parliamentary law, and the bill to which he refers and his illuminating remarks ought to have the attention of the leaders of the House.

I was looking at the clock, and I thought he was absolutely correct, because I am a lame duck, addressing you now, and if I felt like it I could make a point of order that no quorum was present, thus throwing a monkey wrench into the machinery, and thus forcing an adjournment or a roll call which would be something of an inconvenience to many Members who are not lame ducks. There are only a few Members present, which goes to show that Congress, and particularly the House, is a recognitory body, giving recognition to findings of committees, which the main bodies treat almost as judgments of wisdom. And in view of the attitude of the Democrats in charge of this bill to-day I would be amply justified in taking that course. But I am going to be a good sport and I am not going to make the point of order, though the provocation is great. I can scarcely resist the impulse to make this point for the purpose of showing that the number of Members present considering this important measure may be counted on one's fingers.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a speech that I intended to make to-day if I had had the opportunity on When We Violate Economic Law.

In all probability it will secure greater attention on account of this diversion and I hope it will be read by the full membership. I commend it to your full and complete consideration as it has been pronounced by many men occupying high places in the realms of trade as a splendid contribution to the thought on and the discussion of the future of that great staple which was crowned king by its votaries many years ago. Men of light and leading in the House who love the Southland "because it is their own and learn to give aught other reason why," who love its cotton fields and view with anxiety the future read my cogitations on the subject of When We Violate Economic Law. Not so much because it is my fulmination as for the reason that

it has had the approbation of many of the best minds in the great port of New Orleans from which go out shiploads of cotton to every port of the world. Your reading of the speech and the answers which I hope for, will be flattering to my self-esteem, and stimulating to those who have indorsed its utterances, because it reflects their own thoughts on a subject that is and should be of the greatest concern to the South.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Chairman, Brazil's coffee valorization scheme, long heralded as a monster piece of governmental aid, now proves to be an economic boomerang with serious consequences for the very people—the coffee producers of Brazil—in whose interest it was devised.

Through its valorization scheme, Brazil not only was able for a time to regulate the marketing of coffee and maintain an artificial price, but actually succeeded in curtailing production through limitations placed on the planting of new coffee trees.

All seemed well until the fact dawned on the trade that Colombia, Panama, Costa Rica, Salvador, Mexico, and other countries were busily engaged in extending their coffee-raising industries at as rapid a rate as possible.

This year the world's surplus of coffee is monumental. Competition for world markets is keener than ever before. The age-old law of supply and requirement is back in force with a vengeance, and Brazil's coffee producers are a most unhappy lot.

Readjustment, hard though it be, will come through the normal and natural workings of an economic law as old as mankind, and not through schemes which violate that law.

When we enacted our Federal Farm Board law, with its provision for Federal marketing of cotton and grain and other commodities, we were told that Brazil's coffee valorization scheme had worked beautifully, and some of the Members of this House were thereby persuaded to vote large authority and large sums for a somewhat similar purpose.

I am now wondering whether we saw the problem of our farms and the remedy clearly enough.

Our farmers are in distress. I, for one—and I am sure all of you—favor any action that will really and truly improve the economic position of our farms. But I am fearful that, while our intentions were the best, we have launched a scheme of things which somehow violates that ancient law of which I have spoken, and that a severe penalty will have to be paid for every such violation.

Some years ago, as a measure of offsetting the destructive work of the cotton crop-reducing boll weevil, our cotton planters were advised to plant short-staple, quick-maturing seed.

I am now told that a great deal of the surplus cotton carried over from the last crop is too short in staple to serve normal requirements. In other words, the average staple has been reduced during the past 10 years.

I am also told that during the past 10 years cotton producers in other parts of the world have been diligently engaged in improving the character of the cotton they produce.

Finally, I am told that in the season just ended less than normal quantities of American-grown cotton have found their way into overseas markets, while more than normal quantities of other growths have been sold.

With the best intentions in the world the Federal Farm Board has endeavored to "peg" the cotton and wheat markets and hold the values of these commodities at levels higher than would otherwise be the case, and to that end have accumulated heavy holdings of both cotton and grain.

Essential to the success of such a move, pending the development of a new and larger requirement by markets able and willing to pay higher prices, are crop shortages another year.

To this end the cotton producers at least are being urged to reduce acreage. Not one word is being said about producing cotton at less cost.

Fewer high-cost bales might bring some temporary relief. But what about the effect on the cotton-producing industry in other parts of the world?

The wage scales in India and Egypt are low. The lands in those countries are fertile. An enormous expansion of their cotton-producing enterprise is possible.

Recently Russia completed a 1,000-mile railroad into Turkestan in order to open up very extensive lands capable of producing many millions of bales of cotton annually, cotton capable of competing directly with the American-grown article. The scale of living in Turkestan is very low. The cost of producing cotton there is correspondingly low. In all probability Russia will soon attempt to compete with the United States in supplying the European cotton market.

Would not our objective be best served by devoting intensive thought to the problem of producing two bales of better cotton at the present cost of producing a single bale of a poorer variety?

Mass production at a lower unit cost has given an enormous economic advantage to our industrial enterprises.

But we still cultivate and harvest cotton by the more costly hand method.

Mass production of cotton at relatively low cost would do more to hold competition within bounds than anything else we could do.

Curtailed acreage and continued high cost of production will give the same sort of impetus to the extension of foreign growths that Brazil's coffee valorization scheme gave to the development of coffee growing in countries other than Brazil.

I am perplexed in other directions, too.

During the past half century a daily cash market has existed for cotton, and for wheat also. Recently I have been investigating these matters and I find that the machinery of the modern market for commodities is so designed as to be equally fair to buyer and seller. The whole has been regulated by congressional act and by agricultural bureau regulations and standards.

While the procedure does not appear to be generally understood, it seems simple enough when one takes the trouble to investigate it.

The farmer hauls his cotton to the nearest interior marketing town. There he finds a number of buyers, each bidding against the other and each ready to pay the market price of that day in cash to the farmer.

Sales take place.

Each time a buyer purchases 100 bales he promptly sells a future hedge. With his cotton hedged and no longer subject, in so far as he is concerned, to price fluctuations of a major character, the merchant assembles it, classes it, borrows around 95 per cent of its value from his banker, and then sets out to buy more cotton, meanwhile seeking consumer buyers for round lots of even running grades and staple.

Now contrast this system with the system in operation before the days of future or hedge trading.

In those days the merchant merely acted as the agent for the producer. The producer might borrow, say 50 per cent of value in cash from his agent, paying a pretty high rate of interest. Or his agent might advance him supplies and mules, all at an extra profit. The cotton not being hedged against a decline, bankers did not regard it as A-1 collateral and would lend only about half its value, and then only at high rates of interest. Eventually, the agent found a spinner purchaser. In the interim, the entire financial and speculative load of carrying the cotton was charged against the farmer's account.

To create a daily cash market for the farmer, and at the same time to shift the speculative risk from the merchant, the future trading system was devised.

I have looked into this present-day system and it squares with what I conceive to be sound economic law.

While the hedging system does not fix the value of the crop, since every hedge contract must be worked out on the basis of actual spot values, it does create a way for the shifting of the speculative risk from spot owners or spinners who will need cotton, to the speculators who supply the "short" or "long" contracts not supplied by the trade.

To me the trouble with the cotton market does not appear to lie with or to originate in the scientific system of marketing which experts—sellers and buyers both—have set up, but rather with the practice of the cotton growers of producing all the cotton they can produce, without much thought as to cost, whether the world will need much or little cotton.

The marketing machinery is designed merely to bring buyers and sellers together under competitive conditions of trade, to supply the means of avoiding, or at least of greatly minimizing, speculative risks by those who desire to avoid such risks, and to create the means of translating cotton into the best type of bank collateral pending its final sale to a consumer.

The eagerness of sellers or buyers, as the case may be, the state of trade, the relationship supply bears requirement, present and future, determine the value of a pound of middling, and the value of a pound of middling is the final determinator of the value of the future or hedge contract.

It is this system which supplies a daily cash market for the farmer's cotton. The system itself in no way is responsible for the low price now being received by the farmer.

In our efforts to help the farmer we have, I fear, overreached the mark.

The Federal Farm Board has set up marketing machinery of its own in face of the fact that the most scientific marketing machinery man has ever been able to devise already exists. But the Farm Board has not done the one thing that the farmer most needs—it has not created an additional demand and requirement for cotton.

Instead, it has loaned the farmer more money per pound than consumers will pay for cotton, and now recommends as a remedy not greater economy in the production of cotton in order to check the expansion of foreign production but reduced acreage and the production of a few instead of many high-cost bales.

Such a program carried to its logical conclusion would ultimately result in the total destruction of our export business in cotton and the restriction of the market available to American cotton producers to American mills.

It does seem to me that our Farm Board has gone at the job of helping the farmer from the wrong end.

It can hardly hope to set up a more efficient marketing system than trained and experienced merchants have set up.

But it can encourage the creation of strategically located warehouses for unhedged cotton, which will issue bonded warehouse receipts showing grade, character, staple, weight, and insurance carried.

It can aid and encourage the creation of rediscounting facilities for loans against such warehouse receipts, thus enabling local banks to carry such loans at the most favorable interest rates.

It can provide country schools of instruction in farm economy, and in elemental world-trade economy in so far as it affects cotton.

It can appear before Congress as a well-informed advocate of fair play for the agriculturist in the matter of tariff legislation.

It can, in so far as possible, anticipate world requirement, and advise the producer in advance of the planting season.

In season and out, it can tell the farmer the truth regarding his own economic errors. At least some of them will profit thereby.

Once upon a time the American cotton producer enjoyed a practical monopoly. He no longer has that advantage but must now compete for his outlets with cotton producers in other parts of the world. England is irrigating the Nile Valley in order to get more Egyptian cotton. Russia has opened up Turkestan in order to compete directly with the American cotton producer. India is striving in every way to improve the staple and quality of its cotton.

The Farm Board can not prevent this development unless it can aid American cotton producers in radically lowering their costs of production.

The Farm Board's marketing bureau can no more control the law of supply and requirement than can trained merchants.

Speculation can not now help because speculative confidence has been destroyed. Nobody knows just what the Government's marketing bureau will do next in its attempt to peg the price of cotton at a time when supply exceeds requirement.

In the last year our exports of cotton fell off 1,427,000 bales.

Meanwhile the Government has become a speculator in cotton in a very large way, and its losses to date are enormous. The value of cotton has steadily declined ever since the Government entered the field as a competitor of the long-established cotton merchants. Nobody knows when the Government will find it necessary to unload its heavy holdings, consequently trade buyers stand aside and wait.

The story of how successful the Government's efforts to hold the cotton market have been is best told by the record.

In August, 1929, the average value of a bale of cotton was \$94.39; in September, \$94.05; in October, \$91.38; in November, \$86.42; in December, \$85.92; in January, 1930, \$85.56; in February, \$78.03; in March, \$76.80; in April, \$79.50; in May, \$78.04; in June, \$67.87; in July, \$61.98.

During all that time the Government was, more and more, actively speculating in cotton, while the trade itself was, more and more, standing aside. In this way the normal market has become unbalanced and many spot merchants prefer to remain inactive while awaiting the outcome of the Government's endeavors.

In Soviet Russia private business enterprise is frowned on and destroyed. I do not know what the outcome there will be.

But in America, the basis of our world record breaking economic success has been the encouragement of business enterprise. Under our system we can and do pay the highest wages. Our average income is far greater than that of any other country. Our per capita wealth is more than twice that of the next best conditioned people.

We have prospered under our system.

Now, because there is a temporary depression in world trade at a time when our fields have produced abundantly, are we to so cripple our admirable business machinery by short-visioned governmental action as to seriously handicap us in holding and developing our economic position when business shall revive?

Under the modern system of buying and selling for future delivery, any merchant in good standing, even though his cash capital be limited, can engage in the business of buying the farmers' cotton, assorting it into round lots, and selling it to spinners and other consumers, simply and solely because future trading enables him to reduce the speculative risk to a minimum.

Formerly only the merchant with relatively large capital could engage in such a business.

It follows that competition in buying cotton, until the Government entered the field, was far keener than formerly, and that the margin of profit required by the middleman was much less than it was in the days before future trading.

On the other hand, the future hedge has made it possible for spinners to sell yarns many months, even years, in advance of delivery—often long before the seed from which the cotton will come has been planted, and always before the price at which cotton will sell when they shall need it can be known.

Their sales of yarns must be made at a definite price which must include the spinner's own normal profit. Therefore, they must know the price they will have to pay for cotton from which to spin that yarn.

They turn to the future market, buy future contracts for the delivery of the number of bales they will require, of any grade approved by the Federal Government as tenderable cotton—that is the kind the farmer produces—at the price named. On the basis of that purchase they make their price for the future delivery of yarn, and sales are concluded.

Later on they find merchants willing to enter into contracts to deliver to the spinner the exact number of bales of the particular grades required, and at the time they will be needed, from which to spin the yarn called for in

the spinners' sales contracts. This trade is closed, and spinners then sell to the highest bidder on the floor of the exchange the future or hedge contracts they have been carrying as a protection against price fluctuation, because they no longer require such protection in those transactions.

They bought their future hedges at the market and they sell them at the market. Their gain or loss, as the case might be, is absorbed by the higher or lower price they must pay the merchant for the particular grades desired.

Thus the future hedge enables the merchant to buy the farmer's cotton, and pay the market price in cash, when the farmer wants to sell, whether the spinner be ready to buy or not, and it enables the spinner to sell yarns months ahead, thus creating a requirement for cotton long before the size of the crop or the value of a pound of it can be known.

This is so because the future market supplies a means through which those who produce, merchandise, and consume cotton may shift the speculative risk of price changes from themselves to others who, in the hope of gain, are willing to shoulder that risk.

And therein lies the only fundamental difference between the ancient and modern market for world-used commodities.

Russia has destroyed business enterprise, and, in its place, has set up a governmental monopoly in the marketing of commodities. Are we, richest Nation on earth as a result of the long maintenance of an open opportunity for business enterprise, to follow in Russia's footsteps?

Our efforts to set up a Government monopoly in the marketing of cotton would suggest as much.

Our cotton trade is sick because world trade is sick. The disease will run its course and the patient will recover. Meanwhile the nostrums the Government may cook up can not help but may do permanent harm. There is but one remedy—greater economy in production—and nobody seems to be urging that remedy. I here and now urge it as a better way out of our difficulties.

But the economies so necessary to secure our ends must be effectuated without adversely affecting labor. We can not decrease the purchasing power of the toiler without adding to the agonies of our travail.

Trade, the Promethean giant of civilization, is bound to the rock of hard times. Stark poverty is gnawing at its vitals and the night of despair seems unending. It has violated the law by stealing the fire of consumption from the masses of the world. But it will be unbound when it has expiated its offense of violating the eternal and unceasing law of supply and demand, and cured itself of the grievous wound inflicted by overproduction, which drew the life blood, the profits of commerce, into the coffers of the few, while the many knew not where to lay their heads. Industry has learned a terrible lesson, and the day when it does come will be all the brighter that the night has been so long and so dark. The world has been made to carry its cross for the sins of those in whose leadership the myriads reposed confidence. There will be a resurrection through obedience to those laws without which trade must again and again suffer bloody sweats.

With contrite spirit let us look to the morn and seek and find consolation in Cowper's immortal lines:

God moves in a mysterious way
His wonders to perform;
He plants his steps in the sea,
And rides upon the storm.

Ye fearful saints, fresh courage take,
The clouds ye so much dread
Are big with mercy, and shall break
With blessings on your head.

The Clerk read as follows:

GENERAL EXPENSES

For traveling expenses of officers and employees, including employment of stenographers and other assistants when necessary; for separate maps of public-land States and Alaska, including maps showing areas designated by the Secretary of the Interior under the enlarged homestead acts, prepared by the General Land Office; for the reproduction by photolithography or otherwise of official plats of surveys; for expenses of restoration to the public domain of lands in forest reserves and of lands temporarily with-

drawn for forest-reserve purposes; and for expenses of hearings or other proceedings held by order of the General Land Office to determine the character of lands, whether alleged fraudulent entries are of that character or have been made in compliance with the law, and of hearings in disbarment proceedings, \$30,000: *Provided*, That hereafter where depositions are taken for use in such hearings the fees of the officer taking them shall be 25 cents per folio for taking and certifying same and 5 cents per folio for each copy furnished to a party on request.

Mr. STAFFORD. Mr. Chairman, I make the point of order to the paragraph just read in order to make an inquiry of the chairman of the subcommittee. I wish to ask the basis for the determination by the committee as to fees to be paid for making copies of hearings and certifying to them.

Mr. CRAMTON. Mr. Chairman, I am glad the gentleman from Wisconsin has called that proviso to our attention. The situation is that the proviso has been carried for a number of years at this place in the bill without the word "hereafter" being included. In the code that provision appears as a part of the permanent law. If the gentleman will read it without the word "hereafter," he will note that it is not a limitation; it does not say "depositions paid out of this appropriation." There is nothing of the kind. I think you could make an argument that it is permanent law, but in any event the committee thought they would clean up the bill, dispose of it, and put in the word "hereafter." My opinion is that it is permanent law, but if not, without such a provision I understand there would be some question about what change should be made.

Mr. STAFFORD. The explanation is satisfactory to me, but while I am on my feet I would like to inquire as to the following paragraph, "\$15,000 for maps for Members of Congress." Last year I remember the gentleman from Georgia [Mr. LANKFORD] was very insistent that an appropriation should be made for this purpose. Is this \$15,000 the customary appropriation that is made in alternate years?

Mr. CRAMTON. That is the present custom of the committee, and this is the year that the appropriation is to be made.

Mr. STAFFORD. Can the gentleman inform the membership as to how many maps will be available to each Member of the House under this provision?

Mr. CRAMTON. Twelve maps per Member.

Mr. STAFFORD. Years back I remember the membership received a much larger number to their credit whenever the Congress would appropriate, and I have an interrogation point in my mind as to whether it is because the cost of the maps has increased or is due to the fact that a less appropriation is made than was made years ago.

Mr. CRAMTON. The appropriation is slightly smaller than was formerly the case. That is, back in 1922 to 1925 it was \$18,000 or \$20,000. It then dropped from \$20,000 to \$18,000. Then in 1927 it dropped to \$15,000, and since then it has been carried at \$15,000.

Mr. STAFFORD. I presume the cost of engraving and printing and mounting of these maps has considerably increased with the mounting cost of labor.

Mr. CRAMTON. No doubt, and that would, of course, affect the number.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$700,000: *Provided*, That not to exceed \$5,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: *Provided further*, That not to exceed \$15,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California railroad lands and the Coos Bay wagon road lands: *Provided further*, That not to exceed \$50,000 of this appropriation may be used for surveys and resurveys, under the rectangular

system provided by law, of public lands deemed to be valuable for oil and oil shale: *Provided further*, That no part of this appropriation shall be available for surveys or resurveys of public lands in any State which, under the act of August 18, 1894 (U. S. C., title 43, sec. 863), advances money to the United States for such purposes for expenditure during the fiscal year 1932: *Provided further*, That this appropriation may be expended for surveys made under the supervision of the Commissioner of the General Land Office, but when expended for surveys that would not otherwise be chargeable hereto it shall be reimbursed from the applicable appropriation, fund, or special deposit.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of getting some information with respect to the reason for the exception in the fourth proviso on page 9, line 5:

Provided further, That no part of this appropriation shall be available for surveys or resurveys of public lands in any State which, under the act of August 18, 1894, advances money to the United States for such purposes for expenditure during the fiscal year 1932.

Mr. CRAMTON. Mr. Chairman, I remember the situation which brought about that proviso. Under the statute referred to a State might advance money for this work of surveying, and may I preface what I am going to say by the statement that there is such a large acreage of public lands yet to be surveyed that at the present rate we are proceeding it will take about 250 years to complete the work? That is figured on the basis of a comparison of acreage. The law permits any State to make an advance of money to be placed at the disposal of the Land Office, to be used in surveying that State, and then some time thereafter out of this appropriation receive that money back again. One State evolved the idea of providing a revolving fund of \$50,000 or \$100,000. It would advance it during the year to the General Land Office for surveys in that State. The surveys would be made. They would come in on the next deficiency appropriation bill and present their claims and say that they were entitled to the money and an appropriation would be made.

Immediately they would take that money and advance it again to the General Land Office, so that for one appropriation of \$50,000 or \$100,000 they were getting a preference in a way that we thought was not desirable, and this language resulted. I think I have stated that accurately, as it has developed in my mind.

Mr. STAFFORD. My mind is much more vague than the gentleman's as to just what the status of the surveys of the public lands was when I served some fifteen or more years ago on the committee having in charge the legislative, executive, and judicial appropriation bill, which then had jurisdiction over this expenditure. As I recall, there was a disposition upon the part of the members of that committee at that time to try to devise some plan whereby we could complete the surveys of all of the public lands. The gentleman surprises me when he makes the statement that it will require 250 years to make a complete survey of all of our public lands. I did not think at that time, and certainly I do not think now, that we were so far backward in making the survey. Will the gentleman be kind enough to inform the committee as to whether a survey of our public lands is backward in only certain of the Western States, or whether that is more characteristic of the lands in Alaska than in the Western States.

Mr. CRAMTON. If the gentleman will look at pages 115-116 of the hearings, he will find a tabulation that will show the amount of acreage surveyed each year from 1924 on, and in each State, and the amount remaining unsurveyed, up to June 30, 1930. Of course, the statement I have made of 250 years is arbitrary, and perhaps not a well-balanced statement. Their work now is in a considerable part, as the hearings will show more in detail, a correction and checking up of all the old surveys that were not properly made.

Nevertheless, the statement made here shows that in 1924 there were 5,151,000 acres surveyed; in 1925, 3,300,000 acres surveyed; in 1926, 1,900,000 acres surveyed, and in 1927, 3,900,000 acres; in 1928, 1,500,000, and so on—around about 2,000,000 acres a year. Up to June 30, 1930, the total acreage surveyed was 1,304,000,000 acres, and of that unsurveyed 515,000,000 acres, and on the arbitrary calculation of

2,000,000 acres per year would mean 250 years to complete the survey, but that perhaps is not a fair statement.

Mr. STAFFORD. When the gentleman made his first statement I was thinking it provided for original surveys, and not resurveys.

Mr. CRAMTON. The item includes resurveys.

Mr. STAFFORD. Can the gentleman give any information to the committee concerning the public lands of the country? Have all been originally surveyed?

Mr. CRAMTON. They have not all been originally surveyed.

Mr. STAFFORD. Can the gentleman state where there has not been any general survey what proportion has never been surveyed?

Mr. CRAMTON. As I stated, 515,000,000 acres. In addition to these new surveys that I mentioned, about 2,000,000 acres a year of new surveys. There are the old check-ups as well.

Mr. STAFFORD. I notice there are 515,000,000 acres unsurveyed, of which 376,000,000 are in Alaska, while most of the other lands unsurveyed are in the 14 or 15 Western States.

Mr. CRAMTON. Absolutely.

The CHAIRMAN. The gentleman's time has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Registers: For salaries and commissions of registers of district land offices, \$82,500.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Line 17, page 9, strike out "\$82,500" and insert "\$84,600."

Mr. CRAMTON. Mr. Chairman, I will only state that the appropriation for the current year and the Budget estimate for 1932 was in each case \$88,000. After further consideration we feel that the cut made by the committee was perhaps too deep, and therefore we propose the amendment.

Mr. STAFFORD. I suppose the purpose of the cut is to eliminate some of the registers of district land offices?

Mr. CRAMTON. Yes.

Mr. STAFFORD. Not to lower the salaries of those now existing?

Mr. CRAMTON. No. That is a statutory matter.

Mr. STAFFORD. Has the gentleman's committee considered the propriety of abolishing some of these offices which have very little work, like that in Wisconsin and other States in the West?

Mr. CRAMTON. That is what is involved in the reduction recommended by the committee.

Mr. STAFFORD. The determination of the elimination will be left to the discretion of your committee?

Mr. CRAMTON. Yes.

Mr. TILSON. In last year's bill there was a limitation on the salaries of these registers. I notice that has been dropped out. Have their salaries been fixed by statute?

Mr. CRAMTON. They have been fixed by statute, and it is not necessary to carry further that clause in the law.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For lease, purchase, repair, and improvement of agency buildings, exclusive of hospital buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$225,000; for construction of physical improvements, exclusive of hospitals, \$61,000; in all, \$286,000, and in addition thereto the unexpended balance for new construction under this head, contained in the act of March 4, 1929 (45 Stat. 1567), is hereby reappropriated and made available for construction of physical improvements until June 30, 1932: *Provided*, That this

appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of construction or repair work of roads and bridges on Indian reservations and other lands devoted to the Indian Service: *Provided further*, That not more than \$3,500 shall be expended for new construction at any one agency except as follows: Not to exceed \$12,000 for employees' building, Blackfeet Agency, Mont.; \$10,000 for employees' building and \$20,000 for four employees' cottages, Shoshone Agency, Wyo.; \$7,500 for two employees' cottages, Hoopa Valley Agency, Calif.; \$8,000 for two employees' cottages, Cherokee Agency, N. C.; \$8,000 for three employees' cottages, Zuni Agency, N. Mex.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I wish to inquire as to the policy of the committee in providing for employees' cottages on the different reservations, and whether the work is current, so far as concerns making provision for needed housing facilities for the various employees on the different reservations?

Mr. CRAMTON. My judgment would be that it is substantially current. I have no doubt that if we had invited from the bureau a list of the buildings needed in the whole field, such a list might have been impressive. On the other hand, I believe they are being taken care of at a satisfactory rate.

Mr. STAFFORD. Then there is no disposition on the part of the committee to refuse to provide housing accommodations where they are needed?

Mr. CRAMTON. No. I do not believe our committee has ever refused an item of that kind. If they were asked, the bureau no doubt would submit a supplemental list that might be impressive.

Mr. STAFFORD. Oh, there is no question as to the power of the bureau to submit a very extensive list if it were known a receptive consideration would be given by the committee.

Mr. CRAMTON. In this particular case I would say that the committee for a time considered the striking out of the provision for \$8,000 for two cottages at the Cherokee Agency in North Carolina because there is legislation winding up the affairs of the Cherokees.

But information comes to the committee, and there is quite a feeling on the part of those well acquainted with the conditions, that it is not in the interest of these Cherokees that their affairs be wound up speedily. Hence in another place in the bill, where there was an unexpended balance, the Budget proposed this language in connection with the winding up of their affairs and the allotment of their land:

For carrying out the provisions of the act entitled "An act providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina," approved June 4, 1924 (43 Stat., p. 376), the unexpended balance of the appropriation for the fiscal year 1929 for this purpose is hereby made available until June 30, 1932.

The committee decided not to recommend that appropriation, as we feel that further consideration should be given this subject in legislation. Having taken that action, and in view of the fact that we hope their affairs will not be wound up too soon and being advised that there is real need for these cottages and that they are likely to need them in any event for a considerable period, we have included here the item of \$8,000 for employees' cottages for the East Cherokees.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Not to exceed \$160,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed \$1,000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed \$125,000 for the purchase and exchange of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

Mr. CRAMTON. Mr. Chairman, I propose at this point to move that the committee rise. Before doing so, I would like to say that I have stated to some two or three Members that to-morrow being Calendar Wednesday, our bill would not be read further before Thursday. Since stating that to those Members, I have talked with a member of the Post Office Committee, which committee has the call to-morrow under the Calendar Wednesday rule, and he is of the opinion that their business will not take the entire afternoon. Of course, no other committee would desire to come in, and, that being the case, I would like to state now that if the business of the Committee on the Post Office and Post Roads under the Calendar Wednesday rule to-morrow is completed so as to leave time, I will move to continue the consideration of this bill.

I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes, had come to no resolution thereon.

THE VETERANS' BILL

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SANDERS of Texas. Mr. Speaker, under the rules of the House, there is this day a petition on the desk of the Clerk to bring from the Ways and Means Committee H. R. 3493, a bill to provide for the immediate payment to veterans the face value of their adjusted-service certificates, which was introduced in the House on May 28, 1929, by my colleague from Texas, the Hon. WRIGHT PATMAN. I have signed this petition in order that this bill may be brought to this House for consideration at the present session of Congress. This bill provides that the Secretary of the Treasury be authorized and directed to pay to any veteran making application therefor, and upon receipt of his adjusted-service certificate properly indorsed, an amount equal to the face value of the certificate.

In section 2 of this bill provision is made for the issuance of bonds as may be needed to carry out the purpose of the bill. This could easily be accomplished without upsetting or disturbing any financial policy of the administration, and, in my judgment, it would do more to relieve the distressed conditions of the country than many measures which have been proposed here, for it would mean putting into immediate circulation \$3,513,745,560, of which amount there is in the Treasury at this time, held as a reserve fund to retire these certificates when due, \$748,222,715, which would leave the amount to be taken care of by the bond issue of \$2,765,522,845. This indebtedness is a part of the World War indebtedness of the United States and represents the most important part of that indebtedness, for had it not been for the service rendered by these men where would we be to-day? And had not they responded when the country called, what would have been the result of the war? This bill, should it become a law, would put into circulation in Texas approximately \$142,306,695.18, and each State in the Union would receive a corresponding benefit. There are 3,478,956 of these veterans residing in every section of the United States. Their certificates range in amounts from \$51 to \$1,585. These certificates represent a debt which our Government must at some time pay. It is good business for the Government to pay it now because it will be saving money in "the long run." Our other war debt, exclusive of this, was about \$26,000,000,000, and it has been reduced to about \$16,000,000,000, and if there is to be an extension of debt paying, the extension should apply to this main debt, and there is no reason why it should not apply. Just now we are considering the financial depression and the un-

paralleled unemployment situation, and this proposed legislation is in direct line to help alleviate that situation.

The Government has been very liberal in many respects. It has been liberal to the railroads of the country. Congress previously appropriated \$10,000,000 for a Department of Justice Building here, which is not needed, and \$4,750,000 for a Labor Building and a like amount for an Interior Building, the demand for neither being imperative. For refacing the State, War, and Navy Building three million has been appropriated. This was not imperative, nor was it necessary. Many other extravagant and unnecessary appropriations have been made, and the Government is tearing down splendid buildings in Washington not because it is necessary but simply to make the city more beautiful. To the shame of our Government, it has canceled \$11,000,000,000 of war debts to keep from reducing our unparalleled tariff bill. Besides the Secretary of the Treasury has refunded since he has been in office approximately \$3,000,000,000 to the great corporations and trusts in this country. Had these refunds not have been made, there would be ample money in the Treasury now to take care of these service certificates for the ex-service men. In the Department of the Interior appropriation bill now pending \$400,000 is made available for Howard University, a negro institution, with a like amount to be further expended, and for what—a library. Practically all of this vast amount has been expended in the city of Washington. Let the country get the facts and render judgment accordingly.

MUSCLE SHOALS

Mr. GLOVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Muscle Shoals.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, on yesterday evening in this Congress we listened to the address of the gentleman from Massachusetts [Mr. TREADWAY] on the important subject of Muscle Shoals, and in that address he is quoted as using the following language: "I have gone into these details in order to remind the House that Muscle Shoals was conceived in iniquity, deception, and fraud." I am surprised at such language coming from this distinguished gentleman who is ordinarily conservative. Webster defines iniquity as follows: "Deviation from right; wickedness; gross injustice." Webster also defines deception as follows: "The act of deceiving; deceit; the state of being deceived; anything that deceives; a delusion." This same authority defines fraud as follows "Deception with the object of gaining by another's loss; craft; trickery; guile; a cheat."

The developing of Muscle Shoals instead of being conceived in iniquity, deception, and fraud was conceived in the brain of our best men and our greatest statesmen, one of whom was our great President Woodrow Wilson. No man can rightfully charge him with iniquity, deception, or fraud. Some of our greatest men in this Congress are men who have spent a great deal of thought and have given much time to the investigation of Muscle Shoals and no thought of iniquity, deception, or fraud has ever entered their minds in my opinion, nor is there any such thing reflected by their records.

The motive for development of Muscle Shoals was that it might be used in time of war as a defense to this Nation and to be used for the developing or making of nitrogen to be used in making fertilizer in time of peace.

The highest duty of any nation is to prepare for its own defense and that was the purpose in developing Muscle Shoals. We were at war when most of the expenditure of money was made to develop Muscle Shoals. We hope it will not be needed again for that purpose, but who knows? If it is needed we will have it for our defense. Then when we are not needing it for that purpose why let it stand idle and not use it for other noble purposes for which it was

acquired and developed, the making of nitrogen to be given to the farmers at the cost of production, and which, in my opinion, will reduce the price of making fertilizer at least 33 1/3 per cent.

High cost of fertilizer is the worst enemy the farmer has to contend with. It is believed by some that there is, if not a trust, an agreement, by the makers of fertilizers whereby they are enabled to get an exceedingly high price for it to their profit, and to the detriment of the farmer.

The operation of Muscle Shoals, which is now owned and controlled by the Government, would at least, if operated in peace times develop the fact of the actual cost of nitrogen and electric power. This is what the fertilizer makers do not want made known.

The argument was made by the gentleman from Massachusetts that it would be putting the Government in business. Whenever there is an attempt to help the farmer in distress by Congress this is the cry that goes up, that it is putting the Government in business. The development of Muscle Shoals and the using of it in times of peace for making nitrogen for fertilizer is far from putting the Government in business, as the gentleman should well know.

We hope that the bill will be out of conference soon and that this great power should be utilized for the good of agriculture in times of peace and be forever kept for our protection in times of war.

INTERPARLIAMENTARY UNION

Mr. MORTON D. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a paper prepared by me for the Interparliamentary Union which met in London last July.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MORTON D. HULL. The Interparliamentary Union was organized many years ago to study all questions of an international character suitable for settlement by parliamentary action.

The first conference was held in Paris, during the World Exposition of 1889, upon the call of an informal meeting in 1888 of 9 English, and 25 French parliamentarians brought together through the initiative of William Randal Cremer, British House of Commons, aided by Frederic Passy, French Chamber of Deputies, principally to study the problem of promoting arbitration treaties between the United States, Great Britain, and France. Nine parliaments were represented.

Twenty-five other conferences have been held at intermittent times, and the Congress of the United States has been represented at each and makes annual appropriations to its budget. Thirty-two parliaments were represented at the London conference by four hundred and fifty delegates.

(The following study of the Paris pact has been prepared by Hon. MORTON D. HULL, Member of the Committee on Security, for a committee of the American group and approved by the committee. This committee consisted of Senator CAPPER, Senator CONNALLY, Representative KORELL, Representative BLOOM, and Mr. HULL as chairman. The American group has taken no action on the report of the committee, but has consented to its transmission to the central office of the Union as the conclusion of the committee alone.)

What is the Paris pact for the renunciation of war? It is a treaty between 56 nations, by which each nation makes with all the other cosignatory nations, individually and collectively, two commitments. By the first of these commitments each signatory nation binds itself to each of the other signatory nations to renounce war as an instrument of national policy. Such covenant of renunciation runs to each of the other signatory nations, not merely as a covenant of behavior toward each but as a covenant made to each with respect to behavior toward all other of the signatory nations. A breach of such covenant of renunciation by war undertaken against one becomes therefore a breach of covenant to all the signatory nations. The second of the two commitments outlined in this treaty is the pledge never to seek, except by pacific means, the settlement or solution of disputes of whatever nature or of whatever origin, which may arise among them. This is a positive commitment made by each to each and to all of the other signatory powers, not merely pledging an attitude and an approach to the settlement of differences arising between each covenanting party and each of the other covenanting parties, but in respect to differences arising between any of them. That is,

a breach of the covenant to seek pacific means of settlement in a dispute between any two States becomes a breach toward all.

In other words, the treaty is not a collection of bilateral treaties, all bundled into one. It is rather a multilateral treaty in which each State is concerned in the strict observance of the covenants of the treaty by all the signatory powers in their relation to each other. This concern of each State in the relations of others is predicated on the conviction that war anywhere in the world affects all.

To the simple and direct covenant of the treaty itself there must be added certain interpretative documents in order to determine its full meaning. First among these is the report from the Senate Committee on Foreign Relations accompanying the treaty when reported to the Senate.¹

This report expresses the understanding that the right of self-defense is in no way curtailed by the treaty, and that each nation is the "sole judge" of what constitutes the right of self-defense and of the necessity and extent of the same.

The report also contains this paragraph: "The United States regards the Monroe doctrine as a part of its national security and defense. Under the right of self-defense allowed by the treaty must necessarily be included the right to maintain the Monroe doctrine."

Following the interpretative reference to the Monroe doctrine contained in the Senate committee report, we take note of the interpretative reference made in the communication of the British Minister of Foreign Affairs, Sir Austen Chamberlain, in which he said: "There are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. Their protection against attack is to the British Empire a measure of self-defense. It must be understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect." This has been called a British Monroe doctrine. If the American Monroe doctrine is to be read into the treaty, the British Monroe doctrine, commonly interpreted in the United States as applying to Egypt, must also be read into it.

There must also be read into the treaty the understanding expressed by the correspondence between Secretary Kellogg and the representatives of several of the league states, that wars waged against a covenant-breaking state under the covenant of the League of Nations, or under the treaties of Locarno, or under any of the treaties of defensive alliance made by France, are to be treated as defensive wars and not therefore in violation of the treaty.

What, then, does this pact of Paris with these interpretative understandings read into it mean?

The simplicity and directness of the pact, its lack of defined sanctions, have stirred great interest in it on the part of many people. It is predicated on an attitude of honor and moral force in the world, which is viewed somewhat cynically by many. Will it work, especially in view of the fact that the Senate report has read into the treaty a statement that the right of self-defense carries with it the right to be the "sole judge" of the necessity of self-defense? The answer to this question can be told better years hence than now. Any answer to this question now is a matter of opinion, and opinions are many and of wide variety.

The treaty has been spoken of by a distinguished Senator (Senator CLAUDE A. SWANSON) as "a friendly gesture for peace," but as a peace pact likely to be "ineffective and disappointing." It has been referred to by a distinguished teacher of international law (Prof. Roland S. Morris, University of Pennsylvania, in Proceedings of American Society of International Law, April, 1929) as "not a lawmaking treaty." This distinguished lawyer says:

"While it condemns aggressive war and allows defensive war, it deliberately avoids the one thing necessary to make it a legal obligation, and that is an agreed definition which can be legally applied to what is meant by defense and by aggression. It is a solemn and vastly important declaration of intention and policy, but it is far inferior in legal effectiveness to the Locarno treaty of mutual guaranty which does in fact define the right of self-defense, or to the provisions in the covenant of the League of Nations, which specifically outlaws all wars except (and here is material that the law can grip) those sanctioned by the League

¹ With reference to this report, it may be said that opinion varies as to the significance of a report in qualifying a legislative act. Prof. Quincy Wright on this subject says (p. 2671, vol. 70, CONGRESSIONAL RECORD):

"With respect to interpretation it seems both reasonable and in accord with practice to regard treaties between two or a small number of states as analogous to contracts, while multilateral law-making treaties bear more resemblance to statutes. The latter analogy seems especially applicable to multilateral treaties open to general accession, since the acceding states are usually officially cognizant only of the text and formal reservations and can not be supposed to have accepted interpretations suggested in the preliminary conversations of the original negotiators.

"The Kellogg Pact is not in precisely this class, because even the acceding powers have, though rather informally, been apprised of the preliminary correspondence. Thus it can not be said that the interpretative notes are without weight. * * * It is believed, however, that they are to be treated merely as evidence of the sense of the text and not as modifications of or exceptions from it, or even as conclusive interpretations."

Council against a state which violates the guaranties of the covenant."

However, another equally distinguished student of international law (Prof. Joseph P. Chamberlain, Columbia University, Proceedings of the American Society of International Law, April, 1929, page 92) speaks very specifically of the covenant to seek pacific means of settling international differences as a "binding legal obligation."

"It is an agreement between all of the nations which we hope will eventually become parties to the pact. That means that we have a right to ask the reasons for any war that is threatened or that begins between any two nations which have signed this agreement. That means that no war between any of the parties who agree to the pact, is a happening to which we are legally strangers."

The authority we are now quoting argues that the right to ask questions of a belligerent power carries with it the obligation to answer on the part of the belligerent power and the right to judge the answer on the part of the inquiring state.

The notes addressed to Russia and China over their troubles growing out of the Siberian Railway would seem to constitute a clear recognition of the right to make friendly inquiry of a nation which is apparently contemplating war.

While the state which is planning war or beginning war may have the assurance of the Senate report that it has the sole right to determine whether what it is doing or planning to do is of a defensive character, such sole right would seem somewhat illusory, and not conclusive of the matter, any more than in the case of an individual who, finding himself under the threat of attack which he believes threatens his life, kills the antagonist. Such individual has indeed the sole right to judge of the necessity of self-defense, but always subject to the review of the courts as to the good faith and need of the measure of defense adopted. The sole right to determine the necessity of defense, said by the Senate report to be reserved to each signatory, would therefore seem to be of a limited character because subject in a sense to the judgment of world public opinion.

Another distinguished lawyer in the field of international relations (Harold C. Havighurst) calls attention to the fact that many arbitration treaties of the past have reserved from their scope "questions of vital interest and of national honor, and domestic questions," with the right reserved to determine what questions come within this reservation. Surely, it is said, one can not say that such a treaty of arbitration with such reservation is without legal effect.

Another distinguished lawyer, Charles Evans Hughes, speaking of the pact, says (quoted in Proceedings of the American Society of International Law, April, 1929):

"Whenever there is a reasonable ground for seeking a pacific solution, the opinion that demands that solution is now armed with what is believed to be a national obligation involving the good faith and honor of the entire people. That is an enormous gain, and personally I care very little whether it is legal or moral."

Concerning the absence from the pact of any sanctions for its enforcement it has been suggested by a distinguished critic of the pact (David Hunter Miller, *The Pact of Paris*, p. 133) that a breach of the pact would be a breach of the covenant of the league, and the sanctions of the covenant would come into play—by the states members of the league—and that, while the United States does not pledge itself to become a party to the application of such sanctions, the possibility of our cooperation in the application of them is very definitely suggested in the provision of the preamble of the pact, that "Any signatory power which shall hereafter seek to promote its national interest by resort to war should be denied the benefits furnished by the treaty." This, it has been suggested, is a significant and cautionary reminder to any state seeking to avoid pacific settlement of an international issue. It suggests to the possible violator of the pact the possible partial or complete joinder of the United States with the league states in some form of sanctions, a possibility which may be just as effective because not known and specified in advance.

It would seem reasonable, however, that the attitude of the nations not parties to the league covenant should be made known, at least to some minimum degree, by some positive declaration in advance. Dr. Nicholas Murray Butler declares (quoted in the Proceedings of the American Society of International Law, April, 1929):

"Neutrality disappears, since no nation signatory to the pact of Paris can be neutral, that is, indifferent, when that solemn pact is broken by another signatory. Freedom of the seas, that highly important and once most contentious question, disappears likewise. The seas become free as a matter of course and without further debate when war is renounced as an instrument of policy."

Yet the issues of the freedom of the seas and of neutral versus belligerent rights are still clouds on the horizon until specifically disposed of. There is a profound understanding of human nature contained in the remarks of Ramsay MacDonald in his recent Guild Hall speech, that "Such questions as the freedom of the seas arouse at once old feelings, old cares, old points of view, and once again public opinion takes the old position." This may be reason enough for omitting the subject of the freedom of the seas from the coming naval conference, but sooner or later the problem must be met.

It would seem that the frank discussion of these issues may begin now. Does the pact make necessary a reconsideration of the former concept of neutrality? Of course, questions of the freedom of the seas and of the right of neutral powers to trade

with a belligerent present the same problem approached from different directions.

Under the concept of neutrality heretofore accepted, nonbelligerent governments are required in time of war to be absolutely neutral and to abstain strictly from any act that will give aid or comfort to any belligerent. Yet the nationals of a neutral state are permitted to trade in munitions of war and other articles, subject only to capture by the nations at war with the nation to which the goods are being shipped. With the details of what constitutes contraband and what constitutes a proper blockade we are not concerned, except that the lack of definition in both cases has resulted in many misunderstandings.

With the coming into force of the covenant of the League of Nations with its Article XVI, there has undoubtedly come a modification of the former concept of neutrality for those states which are members of the league, with reference to those wars which are deemed defensive wars against an aggressor state. For wars arising out of the inability of the council to make unanimous decision and not provided for under the league covenant, it would appear that so far as neutrality is concerned the former doctrine of neutrality continues. Also, for states not members of the league, the former doctrine of neutrality remains untouched by the league covenant.

With the acceptance of the pact of Paris by nearly all the states, including those not members of the league, a new situation has developed. All have renounced war and pledged themselves to seek a pacific settlement of their differences. The covenant of renunciation runs to each as to the conduct of each toward all. Can a country not directly a party to the war permit, under those circumstances, its nationals to trade with a covenant-breaking state?

What would be the consequences if it did permit its nationals to engage in such trade as against the protest of a belligerent itself the victim of an aggression? Of course, it is impossible to anticipate the answer to a variety of questions which may arise. A question may arise as to whether an aggrieved state may urge a claim for damages against a state countenancing such trade on the part of its nationals. Both states have accepted the Kellogg pact. The theory on which such a claim for damages would rest would be that the state permitting its nationals to trade with an aggressor state in war materials becomes by such act or failure to act an accessory to the belligerent and wrongful act of the aggressor state, and a participant therefore in its wrongful act. The opposing contention would be that the covenant to renounce war should be construed to apply only to government action, and not to the acts of its nationals. The difference existing in the former conception of neutrality between the restriction it imposed on the attitude of a government and the lack of restriction on the attitude of the nationals of such government would be cited to support this contention. The question at issue, the clear answer to which is not found in the body of the pact, may be approached in a cautious, legalistic way, or in a broader way more in keeping with the purpose and spirit of the undertaking. A wealth of argument, including declarations of parties conspicuous in the consummation of the treaty, may be cited on either side. It may be suggested that the multilateral character of the obligation imposed by the treaty gives it the character of a criminal statute rather than of a contract.

In civil society an act against an individual by another individual, prohibited by criminal law, becomes an offense against all. It concerns not merely the individual who has suffered, but society in general. In a similar way a violation of the Paris pact may be considered an offense against all, in which case the treaty takes on the character of a criminal statute. In this instance a treaty of unusual solemnity and importance has been broken by the aggressor. Whether such act by the aggressor state is an international crime or a breach or contract, its meaning will be found not merely in fine-spun theories of the legalistic mind but in the natural assumptions which at the time of the incident attach to a treaty of this unusual importance. There is little question as to what those assumptions would be in the present state of world opinion. They would mold public opinion to the conclusion that the covenant-breaking state was an international outlaw, its aggression an international crime, and the action of any state permitting its nationals to trade with such aggressor state, particularly in arms and munitions of war, a participation in the wrongful acts of the outlaw state. And any neutral tribunal might conceivably so decide. Whatever the conclusion of such a tribunal, it would seem that the application of a discriminatory embargo against a covenant-breaking state would not be an unneutral act, and would not subject the state enforcing such an embargo to a claim for damages coming from the state discriminated against.

Under the circumstances it is clear that neutrality as previously defined in international law must be abandoned altogether or redefined in terms that will be fitted to modern conditions in the associated life of nations.

Notice may here be taken of the fact that in the early days of the history of the United States as a government, in the presidency of George Washington, the Government of the United States did put some restrictions on the right of the individual citizen to give aid and comfort to a belligerent. The statutes of the United States passed in 1794 and still in force prohibit a citizen of the United States from enlisting or accepting a commission in the military service of a foreign country, at war with a country with which the United States is at peace, or augmenting the equipment of a foreign warship in United States ports.

In any redefinition of neutrality or movement toward its complete abandonment, the effort will be to make the rights and duties of nationals more consistent with the rights and duties of the governments themselves.

As evidence that there is a demand that the doctrine of neutrality be recast or abandoned, attention is called to the fact that, almost immediately after the ratification of the Paris pact by the United States Senate, there were introduced into the Congress of the United States four different joint resolutions intended to meet the situation. One is the Burton resolution, reintroduced by Representative FISH, of New York, with modifications. Its proposal is for a more complete neutrality than ever, at least as applied to arms, munitions, and implements of war.

The second resolution, introduced by Representative PORTER, of Pennsylvania, seeks to amend an existing statute for the control of arms shipments to states in which there is civil war. The existing statute authorizes the President, whenever he finds that in any American country, or in any country in which the United States has extraterritorial rights, conditions of domestic violence exist which may be promoted by the use of arms or munitions procured from the United States, to prohibit by proclamation the export of arms to such country under such limitations and exceptions as the President may prescribe.

This statute was passed for the discouragement of the revolutionary groups in our Spanish American states, whose chief activity in the past has been getting up revolutions and who find their chief source of supplies in the United States. Mr. Porter proposes to introduce the words "or of international conflict" into the statute, so that it will read that whenever the President finds that conditions of domestic violence or of international conflict exist in any country the President shall have the embargo power on arms and ammunition to such country, with such limitations and exceptions as the President prescribes. This phrase, "such limitations and exceptions as the President prescribes," apparently permits a discrimination as to the articles of warfare which may be the subject of the embargo and the State or parties to which their exportation is prohibited.

The third and fourth of these resolutions are the Korell resolution, introduced by Representative KORELL, of Oregon, and the Capper resolution, introduced by Senator CAPPER, of Kansas. Both provide that whenever the President by proclamation declares that a country has violated the Kellogg Pact it shall be unlawful to export to such aggressor state arms, munitions, and implements of war, and the Capper resolution adds, "other articles for use in war." Of these two resolutions it may be noticed that they are not resolutions of neutrality, since the embargo applies only to the aggressor nation. They represent a complete departure from the concept of neutrality. It would, under either the Korell or Capper resolutions, be perfectly proper for the nationals of the United States of America to furnish arms, munitions, or implements of war to a country attacked by an aggressor. If it be said that it is sometimes difficult to determine the aggressor state, friends of these resolutions answer, "This, indeed, might have been so at one time, but with the various treaties of arbitration and conciliation and provision for judicial review before the Court of International Justice, this difficulty no longer exists. The aggressor nation," it is contended, "is obviously the one which, being committed to some such scheme for peaceful settlement, refuses to use it."

The Capper resolution differs from all the other resolutions in one respect. It not only provides for an embargo on arms, munitions, and implements of war, but it also provides that it will be the policy of the Government to treat all other articles for use in war exported to such covenant-breaking state as contraband and subject to capture. And it invites agreement with other states to the like effect, apparently in duplication of the provision of Article XVI of the covenant of the league.

These resolutions are referred to not for the purpose of considering their merits. They evidence a feeling of a considerable number of the Members of Congress of the need of a reconsideration of the subject matter to which they refer. Without undertaking here a redefinition of neutrality or approving any of the plans for its modification, it seems reasonable to assume that it will be extensively reexamined in the direction of a cooperative effort for the discouragement of war.

The simplicity of the Paris pact and the lack of any implementation to enforce its covenants has brought forth from distinguished American commentators the suggestion that there should be negotiated some treaty among the nations party to the pact for a plan of conference and adjustment of any difficulty that can not be settled by the ordinary methods of diplomacy. We quote at length from Mr. Charles Evans Hughes's address before the American Society of International Law in April, 1929. Mr. Hughes said:

"Our Government is not a member of the League of Nations and can not participate as a member in its activities. It may, however, appropriately take part, and has always been ready to take part, in international conferences in the interest of peace. When a few years ago we were dealing with difficult situations in the Far East, there was negotiated and ratified what is called the 4-power treaty between the United States, the British Empire, France, and Japan, in which it was agreed that if there should develop between any of the parties a controversy arising out of any Pacific question and involving their rights, as stated, which was not satisfactorily settled by diplomacy * * * they should invite the other parties to a joint conference to which the whole subject would be referred for consideration and adjustment.

It was also provided that if such rights were threatened by the 'aggressive action of any other power' the parties should 'communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.'"

Curiously enough, Mr. John W. Davis, former ambassador to Great Britain and Democratic Party candidate for the Presidency in 1924, has suggested the same idea, apparently without concert with Mr. Hughes.

Mr. Davis says:

"There must be introduced, in short, into the rest of the world the principle established for the Pacific area by the 4-power treaty of 1921, that of joint conference for consideration and adjustment." (Foreign Affairs, April, 1929.)

In this connection we also call attention to a statement made by Mr. Hoover in his Armistice Day speech:

"What we urgently need in this direction is a further development of methods for reference of unsettled controversies to joint inquiry by the parties, assisted by friendly nations, in order that action may be stayed and that the aggressor may be subjected to the searchlight of public opinion."

If war anywhere affects all nations, then it follows that all nations have a common concern in its prevention. The suggestion, therefore, of conference for consideration and adjustment seems to point the way to interesting and desirable developments. Community of interest should lead to community of action.

Mr. MORTON D. HULL. Mr. Speaker, I also ask unanimous consent to extend my remarks by printing in the RECORD an address delivered by me at the meeting of the Interparliamentary Union in London last July.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The address is as follows:

Briefly reviewing the suggestions contained in the report of the American committee, we note that the pact of Paris for the renunciation of war is a covenant of each signatory nation to all the signatory nations with respect to behavior toward any of the signatory nations, so that a breach of the pledge to renounce war as an instrument of policy and to seek only pacific means of settlement of differences with other nations is a breach toward all the signatory nations. Each has an interest in the behavior of all. As a corollary we hold that each and every nation signatory to the pact has a right, without violating international courtesy, to make friendly representation to other nations that are parties to the pact and that are threatening war and to inquire of them the causes of their differences. Of course, the right to make friendly inquiry about a matter that concerns all includes the right to expect an answer and to sit in judgment on the sufficiency of the answer.

We noted also in our report that the war renounced by the pact is war as an instrument of national policy—in other words, aggressive war, not defensive war—and that, according to the understandings developed by the correspondence between the signatory States during the negotiation of the treaty, wars waged against a covenant-breaking state under the covenant of the League of Nations, or under the treaties of Locarno, or under any of the treaties of defensive alliance made by France, are to be treated as defensive wars and are not, therefore, in violation of the pact. We noted also under the definitions of defense found in the Senate report the right to maintain the Monroe Doctrine, and in the correspondence with the British Minister of Foreign Affairs the right to maintain certain regional interests outside the domestic territories of Great Britain as matters of defense.

We have noted also that the right of friendly inquiry arising out of the very nature of this instrument and the right to expect an answer thereto are a limitation on the right to be the "sole judge" of the necessity of self-defense which, by the report of the Senate committee, each state is said to possess.

With this brief statement as to what the pact of Paris is, we proceed directly to the inquiry as to the situation that would arise if the pact be broken. The pact provides no sanctions. There are no express obligations imposed on the signatory nations. It is true that in the preamble to the pact it is provided that any signatory state seeking to promote its national interests by resort to war should be denied the benefits of this treaty. But this is only a threat of sanctions undefined. We have noted also that a breach of the treaty would be a breach of the covenant of the League of Nations. For nations members of the league the course of conduct is apparently charted by the covenant. How far the course so charted will be followed remains to be developed by events.

Does the declaration of Article II of the covenant of the League of Nations, that any war or threat of war, whether immediately affecting any of the members of the league or not, is thereby declared a matter of concern to the whole league, mean anything? Does it express the real conviction of world opinion? Do the people of the United States believe that Mr. Coolidge was right when he said in his Memorial Day speech in 1928, "Whether so intended or not, any nations engaging in war would necessarily be engaged in a course prejudicial to us"? Do they believe that Mr. Hoover was right when in his Armistice Day speech of last November he said, "From every selfish point of view the preservation of peace among other nations is of interest to us"?

These questions addressed in my own country to the man on the street would probably elicit an answer somewhat as follows: "Yes; war anywhere probably does affect all, but not in the same degree. Why, therefore, should we be drawn into these affairs when they concern more directly remote parts of the world?" He will admit academically that war anywhere affects him, but the thought lacks graphic significance to him, and he probably is right when he says that war anywhere does not concern all equally. When, therefore, we say in the report of the American committee that neutrality as previously defined must be abandoned altogether or redefined in terms that will be fitted to modern conditions in the associated life of nations we are inclined to the alternative of a redefinition. The abandonment of neutrality is something that to the layman means belligerency. He has no alternatives between them, and he does not care to see his country drawn into war in matters that primarily affect others. It is this consideration that has prompted one commentator to suggest the recognition of a new status for a nation not party to war—a form of neutrality, but not neutrality as previously known, viz, partiality.

It was this consideration that prompted the suggestion in the report of the American committee that the application of a discriminatory embargo against a covenant-breaking state would not be an unneutral act. It would be an unneutral act under past definitions. But if a breach of the pact of Paris toward one is a breach toward all, it would seem that third-party states whose right to have others keep faith has been broken might at least, without inviting a claim for damages against themselves, place a discriminatory embargo against the covenant-breaking state.

The covert threat of the preamble of the pact of Paris that any nation violating the pact of Paris "should be denied the benefit of this treaty" points to the need of some such action on the part of the nations which are parties to the pact. We are not considering what action the rest of the world who are parties to the league covenant may take under its provisions. What action may the nations who are parties to the pact of Paris take? The benefits of the pact of Paris are the assurances of friendly relations in the world community of nations.

If a nation violates the treaty and becomes an aggressor against a neighboring nation, it has been amply advised by the preamble to the pact that other nations to the pact are absolved from the obligation of friendly intercourse.

It may be said, too, that this interesting declaration in the preamble points the way of duty to the neutral states to deny to the aggressor state access to its markets for the purpose of supplying itself with the essential materials of war, or, indeed, with any materials in war, where "contraband" is all inclusive.

This duty may be stated as a moral duty. It seems to me that it may well be stated as an international obligation, whether legal or moral, of binding force, built upon the common world-wide conception of the pact of Paris as an agreement to outlaw war—an obligation which can not be shunted or put aside by any casuistry of the legalistic mind; an obligation which, whether you call it moral or legal, is compelling and can not be evaded and which in the long run marks the way of self-interest.

In conclusion, permit me to say that the states which are members of the League of Nations have fairly definitely charted their course in case of the outbreak of war by the provisions of Article XVI of the covenant of the league. As to states not parties to the league, and particularly my own country, I may say that the pact of Paris charts a course of conduct more by inference, perhaps, than by express terms, and that that course of conduct runs parallel with, if it does not coincide with, the course charted in the league covenant.

It would be well, perhaps, if that chart might be more explicitly defined, but I see no early promise that it will be.

To the thoughtful and orderly mind interested in the building up of a complete scheme of international relations that shall keep the peace among the nations, the pact of Paris may seem a very feeble and faulty document. Perhaps it is, but as in the case of the development of the individual, it is sometimes more important to know in which direction he is headed, than where he is at any particular time. So I think we may look at the pact of Paris, and the covenant of the league, and the Locarno treaties, and the permanent court as significant indications of the way the world is headed, and find our satisfactions in helping on the effort for a world better fitted for the more abundant life of mankind, than the warring world of the past.

REPEAL OF OBSOLETE STATUTES

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10198) to repeal obsolete statutes and to improve the United States Code, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not anticipate doing, I would like to ask if the Senate amendments add to the bill?

Mr. FITZGERALD. They subtract. The Senate amendments strike out 26 and add 4 sections to the bill. The bill

as passed by the House provided for the repeal of 98 obsolete sections. The bill was checked by the legislative counsel in the Senate, and, an illustration of some of the sections which the House agreed to repeal, which the Senate would not agree to, are sections relating to the conduct of Indian agents. The department thought that as we no longer have any Indian agents, all the duties now being performed by bonded superintendents, all of those statutes are like "pictures left hanging upon a wall which has been torn down," and that they should be repealed, but, in extreme caution, the legislative counsel of the Senate said it was questionable whether they should be repealed or not, so we acquiesce and make progress by repealing the lesser number of sections on which we agree. There are four substitutions.

Mr. CRAMTON. This is the only bill of this kind that has recently come out of the gentleman's committee?

Mr. FITZGERALD. This is the first of a prospective series. This is the first and only one.

Mr. CRAMTON. I had the impression that one became law last session.

Mr. FITZGERALD. No. It was reported favorably by the Committee on the Judiciary of the Senate, but was not passed until last Wednesday, December 3.

Mr. GARNER. Reserving the right to object, may I ask the gentleman if this is a unanimous agreement on the part of the conferees of the House?

Mr. FITZGERALD. There were no conferees. The House committee met and agreed to the Senate amendments. It is quite a complicated matter, but I can go into it if you desire. It will take possibly a half an hour to analyze the amendments.

Mr. GARNER. How does the gentleman get the bill back to the floor of the House without some kind of a conference report?

Mr. FITZGERALD. By asking that the House agree to the Senate amendments. It has been before our Revision of the Laws Committee.

Mr. GARNER. And this is a unanimous report from the gentleman's committee?

Mr. FITZGERALD. This is a unanimous report from our committee; yes, sir.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FITZGERALD. Although there are thousands of sections of the statutes that should be repealed, we must go slowly, and if the advisability of any suggestion is disputed or questioned we must yield to make progress.

On March 3, 1927, two days after the United States Code became available, I called attention of the House to the desirability of repealing a mass of obsolete and redundant matter in the statutes which serves no purpose and confuses one resorting to the Code for information.

During the past two years protest has increased in the public press of the country against the great number of useless laws. The retention of laws which no longer have force and are rubbish is deplored. In my own State of Ohio, Hon. Gilbert Morgan, a member of the legislature and an able and industrious lawyer, secured the passage of bills in 1927 and 1929 repealing 1,054 obsolete superseded statutes. I quote from his statement of June 29, 1929:

In 1910 Ohio passed a General Code. It took the place of the Revised Statutes (official edition), 1880, and other private editions. Ohio's first compilation of laws was published by Chase in 1833. The General Code was the result of the work of a codifying commission. It was passed as one act, and by it were repealed all other laws. It contained no new laws, although rearrangement changed the text and sometimes the meaning. For a few hours the State had in four volumes its entire statute law. Then the amendments began and have been going on ever since.

Urged forward by the societies and associations for this and that, the lawgivers of each State are inveigled and exhorted into passing many bills. The grist of acts not only complicates the situation, but most of the sponsors of projects do not take the pains to inquire whether their ideas are already in the form of laws. Conflicts and discrepancies make no difference. On with the dance, let law be unconfined. The results are that Ohio, like all States, carries a large amount of waste and useless material on its books. This does not concern the proponent of law, because he

never reads anything he himself does not advocate. The practitioner chooses the few sections of the code that he needs and does not read the rest.

A great deal of the time of the courts is spent in trying to unravel the snarl of conflicting statutes. Students of legislation talk about the situation, but as yet nothing has been done to remedy it. Changing conditions render obsolete many sections. Unless repealed, such worn-out regulations remain effective.

It would be easy to repeal large portions of the codes were it not for the fact that many enactments refer to existing sections. The enterprising publisher of Ohio's 1-volume code has printed at the bottom of each section cross reference to former analogous sections and to all other sections where mention is made of that section. This makes it possible to repeal laws without jeopardizing other sections.

In 1927 a bill was introduced by the writer to repeal a considerable number of laws. When passed it did away with 201 sections. In 1929 another bill passed repealing 853 sections. Already data for a bill is being collected for 1931 to repeal still more, and another one to take care of conflicts between various laws. Where courts have found sections to be unconstitutional in part the writer will propose in each case the rewriting of the section to make it constitutional.

This work is all being done by the writer with the help of practicing lawyers and members of the general assembly. Continual revision would make Ohio's the best code in the United States. It is becoming popular among judges and lawyers. It does not benefit them as much as the general public. When the constituents ask their representatives and senators what aid they are giving in this task it will make it easier.

A newspaper recently called a member a "100 per cent legislator," because all his bills had become law. One of the first duties of each member should be to make more perfect the entire body of laws. The voters can easily accomplish that. If it means votes for a candidate to be useful, he will be, even though he might have to do a little real work.

When legislative bodies take pride in the result of their sessions, then, and only then, will we have results. Till now there has been little esprit de corps.

I have certain editorials, articles, and quotations relative to the repeal of obsolete laws and the need for the development of a system to state the laws simply and accurately. I read the following editorials from the Washington Post of May 21, 1929, and from the Washington Evening Star of June 12, 1929:

NEW YORK, May 21.—Gov. Harry F. Byrd, of Virginia, proposed a new kind of reform to-day at a luncheon of the downtown association when he suggested a session for every legislature for the sole purpose of repealing unnecessary laws.

The luncheon was given in Governor Byrd's honor by the National Institute of Public Administration, with Raymond B. Fosdick presiding.

"Good morals, I believe, would not suffer," said the Virginian; "good order would be better preserved, and good will of the citizen for his State would be increased if we could have one session of every State legislature at which no law would be passed except to repeal unnecessary existing laws."

In the various States the legislatures now closing up their sessions and adjourning have enacted many statutes, but it is safe to say that few old and useless or even harmful laws have been repealed by them. Consider, for example, the disgraceful conduct of the Illinois Legislature, which is about to adjourn after having refused pointedly to repeal either the Small immunity law or the Crowe law prohibiting the naming of special prosecutors in times of manifest need.

Governor Byrd of Virginia, one of the able, vigorous, and independent State executives, has made the pertinent suggestion that the legislature of every Commonwealth in the Union be called together in special session for the sole purpose, expressly stated in the call, of overhauling the statute books and repealing every law that has outlasted the conditions which dictated its enactment or that ought to be wiped out for any other reason.

That there are many such obsolete or injurious statutes everybody recognizes. That it is difficult to get rid of them at an ordinary session is equally well known. The experiment proposed by the Virginia executive is worth trying. A repeal session would focus the attention of the whole State upon the negative task of clearing and straightening out a deplorable mess of statutory ambiguities, inconsistencies, absurdities, and rascalities.

Governor Byrd should set an example to his fellow governors by calling a session of the Virginia Legislature for the beneficial purpose in question.

I quote in addition two editorials, one from the Dayton Herald, of my home city, Dayton, Ohio, dated Tuesday, June 18, 1929, and another from the London Daily Mail of October 2, 1929, as follows:

AMERICA'S LAWMAKING MACHINES

Discussing the suggestion of Governor Byrd, of Virginia, that a special session of all legislatures be called for the purpose of repealing obsolete and unworkable laws, the New York Post observes:

"It is a formidable fact that the laws may die, but they rarely disappear. There are hundreds of enactments written into statute books that have lost all point and application and are no more

than curious monuments to vanished conditions. Yet they are still on the books and still the law, and once in a while they rise from their graves to cause confusion and annoyance. No real attempt has been made to lay these ghosts of the past."

In indorsing these sentiments, the Detroit News says:

"It is hardly necessary to say that we are heartily in favor of Governor Byrd's suggestion, although we realize that there are mighty few legislatures that can be trusted to do a first-class job of pruning, as most of them have made a specialty of 'loading up' the statute books and would probably take advantage of a special session to prove their theory that no law is so defunct that it can't be resuscitated and made to work by an injection of Doctor Bunkum's famous legislative serum. Instead of pruning the statute books they would want to do an extensive job of grafting and tinkering, the inevitable result of which would be an intensification of the evil from which most civilized societies are now suffering."

"In some remarks which he made just before he retired from the Senate, that keen-eyed and courageous analyst of our social and political conditions, James A. Reed, said:

"We have written upon the statute books of this country over 600,000 laws, and the Federal Government alone has in excess of 10,000. We have forbidden so many things that it is probable that not a single human being over 10 years old has not violated some statute law."

"There is something to bite on in that statement."

This country has passed beyond the canal and the horse-and-buggy stage of development. It has largely left poverty and destitution behind and given to every child in the country an increased opportunity for better education. Only the law lags with its two chief weaknesses—its quantity and its quality. It is at the root of the crime problem, and it gnaws away at the stalk and trunk of progress. It frequently makes innocent lawbreakers of people who want to try to be good citizens, and at the same time it permits criminals to escape their dues and deserts.

America has too many laws and too little justice. It is the victim of mass production. The session advocated by Governor Byrd would be both timely and productive.

In his presidential address to the Law Society at Bournemouth yesterday Mr. W. H. Foster maintained that Great Britain is suffering "acute indigestion" from "a surfeit of legislation." The output in recent years, he said, had been abnormal, and the public wanted to see it diminished.

To deal with this situation he put forward some suggestions of an exceedingly drastic kind, which, so far as women are concerned—and they are now more than half the electorate—would never receive their support. But as to the general truth of his contention there can be no doubt whatever. Only 10 days ago at the Friendly Societies' conference Mr. Seabrook declared that "what was sadly needed in the realm of national health-insurance legislation was a rest." And last year a well-known shipowner called for "a holiday from legislation which is usually costly both to the Nation and the industries it is intended to benefit."

What makes the surfeit of laws in Britain yet more indigestible is, as Mr. Foster said yesterday, "the avalanche of ministerial orders, rules, regulations, circulars, and memoranda" which are showered upon our unfortunate farmers and our manufacturers. In most cases the intentions are of the best. The officials, who in one of the worst crises of agriculture, issued first the ideal cowsheds order and then the veto on preservatives in cream and butter, had unexceptional aims. But they forgot the limited means and manifold difficulties with which the British farmer was struggling; and the direct effect of their well-meant interference was to hit him hard and bring bankruptcy on quite a number of his order.

In certain communities, notably in many of the State governments of the United States, special restrictions are placed on the legislatures to prevent the nuisance of too much legislation. They are only allowed to meet once every two years, and even then their sessions are limited to a comparatively small number of days. No one has yet suggested such a restriction in Britain.

I quote in addition from the Washington Post of January 1, 1930, the following editorial:

OBSOLETE LAWS

Representative FITZGERALD, of Ohio, is sponsoring a movement to expurgate all obsolete laws from the Federal statute books. His proposal is akin to that of Governor Byrd, of Virginia, that each State hold a legislative session for the exclusive purpose of repealing useless laws. It does not appear practical to suggest an extra session of Congress for that purpose, but Mr. FITZGERALD is working out a plan for gradually sifting out the rubbish from the national code of law.

As chairman of the House Committee on Revision of Laws he has introduced a bill providing for repeal of nearly 150 obsolete statutes. These enactments apply to the War, Navy, and Interior Departments. Since they tend to confuse and complicate affairs, heads of the three departments are supporting the bill. A number of executive offices have been cooperating with the committee in searching out useless statutes. Mr. FITZGERALD expects to secure agreement to the repeal of approximately 2,000 laws which have outlived the reasons for their enactment. He has undertaken a compilation of all sections of the Code which ought to be repealed. In spite of the willingness of some departments to be rid of their excess baggage, Representative FITZGERALD notes a "sort of fetish worship of old laws." Revocation of hundreds of statutes

that are inoperative is opposed because of a feeling that some day they might be useful for some purpose. Innumerable measures which could never be enacted at present will remain on the books as testimony of this fetish. But the worst rubbish can be cleaned out and the Committee on Laws is to be commended for attempting it.

This effort at wholesale expurgation is the entering wedge of the committee's campaign to codify the Federal statutes. The existing code is a cumbersome welter of overlapping laws. Representative FITZGERALD estimates that if it were rewritten its substance could be expressed with infinitely greater clarity in one-half the number of words. The committee hopes to prepare a code that will couch every law in simple, clear language, and which can be kept up to date as new laws are enacted. The saving of time, money, and litigation that such a code would make possible can hardly be overestimated.

This project has special significance just now when the whole country is wrought up over law enforcement. The committee has set for itself an enormous task. It should have full cooperation from both Congress and the executive departments.

I read also an editorial from the Washington Post of October 24, 1929, another editorial relating to "Wiping Out Useless Laws," as follows:

The idea of a special session of all State legislatures to weed out all unnecessary, obsolete, and unwise statutes is gaining momentum. Governor Byrd, of Virginia, advocated such a session several months ago at a dinner given in his honor by the National Institute of Public Administration. "Good morals would not suffer," he said, "good order would be better preserved, and good will of the citizen for his State would be increased if we could have one session of every State legislature at which no law would be passed except to repeal unnecessary existing laws."

The suggestion was favorably received throughout the country. It has won the support of the American Bar Association. At the convention of the association in Memphis Guernsey E. Newlin, president, appealed to State legislatures to end their "orgy of lawmaking" and devote one session to clearing their statute books of rubbish.

The universal demand that legislatures confine themselves to "necessary" laws has had little effect on the legislative output because of the loose interpretation of the word "necessary." It is estimated that 40,000 new laws are added to the books of Federal, State, and city governments each year, and that the total reaches 2,400,000. Vigorous attempts have been made to remedy the situation, but they usually result in a new codification of statutes without discarding the chaff or in attempts to hold the new output to a minimum. The Vermont Legislature, for example, enacted almost no new legislation this year. Its session was the shortest for 27 years. But the legal rubbish was allowed to remain intact.

The legislatures can not be expected to modernize the legal structure of their State unless a special session is devoted to that purpose. The demands for consideration of thousands of petty schemes preclude any serious consideration of retrenchment in the regular sessions.

Another proposal intended to rid the States of superfluous laws is that a time limit be included in every law. Under this plan every law would be repealed automatically within a certain time, 20 years, for example. If would not be difficult to reenact statutes which had proved their worth in operation, and a rule could be adopted providing that a second enactment would assure such measures of a permanent place on the books unless specifically repealed.

When the legislatures take time off from their "orgy of law-making" and accept these suggestions they will make a great contribution to the cause of law observance.

I now read an editorial from the New York Times of February 16, 1930, entitled "Soft and Woolly," as follows:

The conclusion is irresistible that, if Abraham Lincoln in his time succeeded in doing so much for himself and for others, one reason was that he knew how to get out of the English language effects other than those of a pair of carpet slippers on a newly varnished floor. When he wrote it was not as if in a dream, and when he talked it was not as if on a bet. The comparison is not necessarily between to-day and the Gettysburg Address. In 1849 Lincoln wrote a letter on the extremely prosaic subject of a political job, and this is the way he put it:

"DEAR SIR: It is now certain that either Mr. Butterfield or I will be Commissioner of the Land Office. If you are willing to give me the preference please write me to that effect, at Washington, whither I am now going. There is not a moment of time to be lost. Yours truly."

Can you imagine any politician to-day lining up for a job worth more than \$300 a year, in 50 words? If Lincoln were writing in the manner nearly everybody does nowadays, he would have begged to inform his correspondent that his attention had been called to the fact that a vacancy had occurred in the position of Commissioner of the Land Office, and that yielding to long and ultimately irresistible pressure from his friends he had reluctantly consented to avail himself of the opportunities for service in connection with said post of Commissioner of the Land Office in consideration of the contemplated organization of methods of cooperation for the preparation of the inauguration, etc.

WORDS

One of the principal things that are wrong with our law enforcement is just plain verbiage. Judges use five words where one would do, and lawyers use 25 words—long ones. Expert opinions run on for hours. Thirty witnesses are summoned where two would be enough to establish a point. Briefs run to the brief length of a hundred thousand words. It is the same with semi-judicial procedure. In the course of hearings before a Senate committee someone always "reads into the record" a trifle of 600 pages and 180,000 words on grade crossings in the southern parishes of Louisiana. Our public life is increasingly congested with skyscraping edifices of words, shutting off each other's light and air and inducing paralysis of traffic.

If Abraham Lincoln were emancipating the slaves in the 1930 manner he would do so because his attention had been called to the existence of negro slavery in the United States, and he would never get all the negroes emancipated in less than 20,000 words.

I read an editorial appearing in the Dayton (Ohio) Journal of April 12, 1930, as follows:

THE FLOOD OF LAW

During 1929 the State legislatures of 43 States passed 16,921 new laws, a survey by competent authority reveals. This is quite a lot, but less than a third of the 50,000 new measures that were proposed by ambitious legislators who believe that society could be further improved by adopting their plans. Doubtless many of the rejected proposals again will be presented.

There seems to be a profound and deep-seated idea among those who are chosen to represent the people in their general assemblies that the way to improve conditions is to pass more laws. If something is not right, pass a law about it. If anything can be improved, pass a law. The result is the American people have more law to the square inch—and less enforcement—than any other people on earth.

What this country needs is not more law but less. Hundreds of obsolete, unenforceable, special-privilege granting laws encumber the statute books of most States. They complicate the situation, engender lack of respect for the law and the courts, and increase taxes tremendously. Moreover, many of them increase crime and criminality.

Patrick Henry once said that one of the things necessary to the maintenance of free government is "a frequent recurrence to fundamental principles." This is what this country needs to-day. Fewer and better laws and stricter enforcement—these are the present needs.

Also in the Dayton Herald of June 5, 1930, there appeared the following article, which I read:

THE FLOOD OF NEW LAWS

To the EDITOR OF THE HERALD:

The faith of Americans in laws is phenomenal. To stop crime, to make people good citizens we have only to get an enactment onto the statute book. The adjournment of the Sixty-second Congress left 38,200 bills pending. The Seventy-first Congress is now in session. No one knows what the total number of pending bills will be when it adjourns. State legislatures swell the flood. Within a few days of the opening of the New York Legislature of 1919 over 1,200 bills were introduced. Said a New York lawyer to an acquaintance: "Do you know how many laws you, as a good citizen, obey?" "Couldn't guess," was the reply. "It is not possible to state the number exactly," said the lawyer, "but as accurately as the number calculated by the author of a voluminous digest the number is 21,260." "Why, I had no idea I was such a good man as all that," replied the "good citizen." I wonder what an Ohio "good citizen" would say.

Too MANY LAWS.

Adoption of the code involved no change in the law. Much of the archaic matter, the contradictions and absurdities had to be retained in it. Only a complete revision can eliminate and correct them. The code, however, sets forth all the general and permanent laws under a system of classification scientifically arranged by the staffs of the two great law-publishing companies of this country trained and experienced in statutory compilation. The statutes governing a subject or related to it were codified accordingly, in proper titles. Thus the crudities and deformities of the Federal laws now stand out more clearly and furnish the basis for correction and revision.

The code, for instance, has shown that Indian agents have been replaced by bonded superintendents (see 25 U. S. C. 26, and 25 U. S. C. 66). The first enactment ought to have been specifically repealed but was not, and has been retained in the code despite the later law.

The advantage of codification is seen when studying such an act as Thirty-ninth Statute, page seven hundred fifty-two, to amend the Federal reserve act. In that volume of the Statutes at Large this law, which is in a jumbled mass, covers four pages and is not divided into sections. In the

code it is placed in title 12 and comprises 18 sections in three chapters, so that one need not read the entire act to find the particular portion sought.

Perhaps the act creating the Department of Labor is a better illustration (37 Stat. 736). Section 1 of that act is cited in 11 different titles of the code and over 100 times. This means that if it were not for the code one would have to refer to the original act so often to understand its application and effect. Many such laborious tasks are averted by the use of the code.

The Committee on Revision of the Laws is awaiting a report of the Treasury Department on title 26, Internal Revenue, of the code, which consists of a restatement of the internal revenue laws in improved and simpler language and logical rearrangement of the subject matter. It has been prepared by the Congressional Joint Committee on Internal Revenue Taxation and will be offered to the Congress as a bill with the idea of substituting it for the present code title and as a sort of model or guide for the revision of other titles.

I note in the advices received from Berlin that one of the leading jurists there, Dr. Johannes Werthauer, has recently compiled a new penal code which is described as "consisting of only 21 paragraphs instead of the present 413, superseding 10,000 laws; avoiding much legal phraseology he has written his new code in language that can be 'understood of the people.'"

It is with this idea in mind that the Revision of the Laws Committee is proceeding and possibly may be in a position to present to the House a thorough revision of the immigration and naturalization laws and also those relating to the public lands within the near future.

The great need for a solution of the perplexing problem of keeping a nation's laws in a form easily understood and readily accessible, is shown by the following examples of legislative absurdities, contradictions, mistakes, and inconsistencies:

By the act of August 5, 1882 (22 Stat. 301, c. 399), Congress attempted to amend a law which no longer existed. That act amended Revised Statutes 1675 by inserting certain language after the words "Liberia, \$4,000." These words were in that section of the Revised Statutes as originally enacted, but had been previously stricken out by the amending act of March 3, 1875 (18 Stat. 483, c. 153).

It appears that at the time of the enactment of the national defense act of June 3, 1916 (39 Stat. 166 et seq.), there were statutes in effect authorizing:

(a) The detail of retired officers to duty at educational institutions with their own consent on retired pay;

(b) Without their own consent on retired pay (but with the difference between active and retired pay from the institutions);

(c) With their own consent on retired pay (but with commutation of quarters to be paid by the institutions); and

(d) With their own consent, with full allowances, and with either full or restricted pay, according to grade.

This confusing situation is best set forth in a letter dated February 14, 1930, which I have received from Maj. L. K. Underhill, of the office of the Judge Advocate General of the Army, and I quote the pertinent portion:

WASHINGTON, D. C., February 14, 1930.

HON. ROY G. FITZGERALD,
House of Representatives.

MY DEAR COLONEL FITZGERALD: In compliance with your recent request that I bring to your special attention for your information confusing provisions of law which have come to my notice, and which could have been obviated by a codification of the laws, I invite your attention particularly to the various enactments relative to the placing of Army officers on duty at schools and colleges and to those relating to the furnishing of artificial limbs to veterans.

College duty. When retirement of Army officers was first provided for, the law authorized the assignment of retired officers to duty generally (12 Stat. 291), and retired officers on active duty were to receive full pay and allowances (12 Stat. 596).

In 1870, all assignment of retired officers to duty was prohibited. (16 Stat. 62.) About six months later an exception was made in favor of the detail of retired officers upon their own application as professors in colleges. (16 Stat. 320.) Such officers were to be entitled to no additional compensation. This provision, without

the restriction as to compensation, was carried into the Revised Statutes as section 1260, and the restriction as to compensation was added in 1877. (19 Stat. 243.)

Meanwhile, in 1870 (16 Stat. 372) provision was made for the detail of retired officers to duty at the Soldiers' Home. This provision was carried into the Revised Statutes as section 1259, as amended in 1877. (19 Stat. 243.) However, there was also carried into section 1259 the provision derived from the act of 1870 (16 Stat. 62) which prohibited the detail of retired officers to any duty whatever, so that section 1259 purported to prohibit the detail of retired officers to any duty except at the Soldiers' Home, but was followed immediately by section 1260 authorizing their detail to duty at colleges.

There was in the Revised Statutes another section (sec. 1225) relating to the detail of a limited number of officers to duty at colleges. It referred to active officers only. After several amendments (19 Stat. 74, 23 Stat. 108, 25 Stat. 491, 26 Stat. 716), it was amended on November 3, 1893 (28 Stat. 7), so as to authorize the detail of retired officers upon their application with full pay, but not allowances. The acts of March 2, 1905 (33 Stat. 831), and of June 12, 1906 (34 Stat. 235), apparently restricted the pay and allowances of such officers above the grade of major. The act of March 3, 1909 (35 Stat. 738), amended the November 3, 1893, amendment of Revised Statutes 1225, so as to provide that retired officers on detail under that amendment should receive the full allowances of their rank, though the pay remained restricted as under the enactments of 1905 and 1906.

Meanwhile, on May 4, 1880 (24 Stat. 213), another provision of law was enacted authorizing the detail of retired officers to active duty at colleges without their consent, but restricting them to their retired pay, authorizing them, however, to receive from the colleges the difference between active and retired pay.

Another amendment to section 1225 Revised Statutes was enacted February 26, 1901 (31 Stat. 810), and amended April 21, 1904 (33 Stat. 225). Under these amendments additional retired officers were authorized for school duty with their own consent but limited to their retired pay, receiving commutation of quarters from the school.

At first glance it would appear that the earlier of these statutes had been superseded by the later ones. The act of August 6, 1894 (28 Stat. 235), however, makes it quite clear that these statutes (with the exception of the 1901 and 1904 amendments to Revised Statutes 1225, not then enacted) were all intended to be in effect at the same time. As to the 1901 and 1904 amendments, their text makes it clear that they were also intended to be in effect at the same time.

While there were minor differences between these different enactments, it is clear that they overlapped considerably in their scope, and it is quite apparent that it was intended that the purpose of the detail in each case was the teaching of military science and tactics (see act of August 6, 1894, 28 Stat. 235).

None of these enactments has been specifically repealed. Section 45 of the act of June 3, 1916, supra, and sections 33 and 35 of the act of June 4, 1920 (41 Stat. 759 et seq.), made new provision for the detail of retired officers to colleges and schools, with entirely different provisions as to compensation. It is a matter for statutory construction whether the enactments of 1920 cover the entire field or whether any of the earlier enactments remain in effect. The United States Code ignores all of the early enactments except R. S. 1260, which has been carried into the code in section 1178 of Title 10.

L. K. UNDERHILL.

I read also from a memorandum prepared by Mr. W. H. McClenon, of the legislative reference service of the Library of Congress, on January 16, 1930:

LIBRARY OF CONGRESS LEGISLATIVE REFERENCE SERVICE—SOME CURIOSITIES OF THE FEDERAL STATUTES

1. If a person should try to hang a picture on a wall that had been torn down seven years before, the result would probably be unsatisfactory. That is substantially what Congress attempted by the act of August 5, 1882 (22 Stat. 301, ch. 399), which amended Revised Statutes 1675 by inserting certain words after the words "Liberia, \$4,000." These words were in Revised Statutes 1675 as originally enacted, but had been stricken out by the amending act of March 3, 1875 (18 Stat. 483, ch. 153).

2. Another instance of futile action on the part of Congress is found in section 1 of the act of June 12, 1917 (40 Stat. 102, ch. 26), in which section 1 of the war risk insurance act was "amended to read" in exactly the same way that it had read all the time. (The original bill contained at least one important amendment, which was stricken out in the course of its passage through the House or the Senate.)

3. Several times Congress has enacted an act "proposing" to amend an earlier provision (e. g., 38 Stat. 691, 958, ch. 93; 39 Stat. 725, ch. 441).

4. The act of October 6, 1917 (40 Stat. 385, c. 83, sec. 1), makes it unlawful to manufacture explosives, etc., "in such manner as to be detrimental to the public safety, except as in this act provided."

5. The act of September 26, 1918 (40 Stat. 971, sec. 7), amends Revised Statutes 5209 "as amended by the acts of April 6, 1869, and July 8, 1870." The Revised Statutes were originally enacted in 1874, and hence could scarcely have been amended five years earlier.

6. Congress has, however, occasionally attempted to amend an act not yet enacted. Thus, the act of July 1, 1918 (40 Stat. 653),

expressly amended "to read as follows" a provision not enacted until July 3 (40 Stat. 783). The following day this practice was repeated (see 40 Stat. 741, 814). But on July 8 of the same year (40 Stat. 822) Congress undertook to amend an act which was not approved until August 31 (40 Stat. 923).

7. On the other hand, Congress frequently fails to take account of provisions which have already been enacted. Thus, the act of June 23, 1913 (38 Stat. 65) imposed on the Secretary of Commerce and Labor duties relating to immigration, although on March 4, 1913 (37 Stat. 736, 737), the title of the Secretary was changed to Secretary of Commerce and his duties relating to immigration were transferred to the Secretary of Labor.

8. An even more striking instance of this sort is the act of May 16, 1918 (40 Stat. 550 c. 74), which conferred powers on judges of circuit courts, which courts had been abolished seven years before by section 289 of the Judicial Code of March 3, 1911 (36 Stat. 1167).

9. The act of March 4, 1917 (39 Stat. 1201, sec. 3), restricted the application of Revised Statutes 4716, which had been repealed August 29, 1916 (39 Stat. 649, sec. 1).

10. The District of Columbia prohibition act of March 3, 1917 (39 Stat. 1130, sec. 24), was declared to be operative from November 1, 1916, but section 1 of the act, which contained the establishment of prohibition, was made operative November 1, 1917.

11. The act of October 1, 1890 (35 Stat. 416), amended Revised Statutes 3893 to give an extended meaning to the word "indecent" as used in that section. Section 211 of the Criminal Code of 1909 (35 Stat. 1129) embodied Revised Statutes 3893 with certain modifications, but entirely ignored the 1908 amendment. That this omission was inadvertent would seem to be indicated by the fact that the 1908 amendment was repeated verbatim as an amendment to section 211 of the Criminal Code by the act of March 4, 1911 (36 Stat. 1339, sec. 2).

12. Occasionally the same provision is amended twice within a short time, under circumstances making it doubtful whether the first is superseded by the second, or whether both amendments should be treated as in force. Thus the act of March 1, 1921 (41 Stat. 1202, c. 102), was amended December 15, 1921 (42 Stat. 348, c. 3), by adding a section 2; by the act of April 7, 1922 (42 Stat. 492, c. 125), the original act was amended "to read as follows," with no reference to the act of December 15, 1921, but embodying much the same rule of law.

13. Similarly, Revised Statute 3220 was amended by the revenue act of 1928 (45 Stat. 878, sec. 619), by striking out a certain exception and inserting a somewhat broader exception. The same day Revised Statute 3220 was amended "to read as follows" (45 Stat. 996, sec. 3), omitting all reference to the original or the amended exception. The United States Code Supplement (26:149) includes both amendments as in force, but the matter is not entirely free from doubt.

14. The act of September 14, 1922 (42 Stat. 839, sec. 4), amends "section 15" of the Judicial Code "to read as follows." The United States Code (28:18, 19) treats this as an amendment of section 14, and the Department of Justice concurs in this view. Yet Congress has never amended the act of 1922 so as to indicate its true intention and correct the error in drafting.

15. The act of February 25, 1927 (44 Stat. 1232-33), contains no section 14, but two sections each numbered 16.

16. Occasionally Congress has apparently forgotten the correct designation of the nation; the act of May 22, 1926 (44 Stat. 618, c. 365, sec. 2), uses the expression "the maintenance of the dam by the United States." But probably the Government Printing Office is really responsible for this recognition or a supposed success of the Southern Confederacy.

17. There are a number of statutes that sound ambiguous by reason of the punctuation or the arrangement of the words. For example, the eighteenth amendment is declared to be applicable to "the United States and all territory subject to the jurisdiction thereof for beverage purposes."

18. Similarly, the act of August 29, 1916 (39 Stat. 549, sec. 15), refers to persons "not a citizen or subject of a foreign power 21 years of age or over."

19. Again, the act of June 20, 1906 (34 Stat. 313, c. 3442), prohibited the offering for sale of sponges "at any port or place in the United States of a smaller size than 4 inches in diameter."

20. The act of May 27, 1908 (35 Stat. 416), amended Revised Statutes 3893 to give an extended meaning to the word "indecent," as used in that section. Section 211 of the Criminal Code of 1909 (35 Stat. 1129) embodied Revised Statutes 3893 with certain modifications, but entirely ignored the 1908 amendment. That this omission was inadvertent would seem to be indicated by the fact that the 1908 amendment was repeated verbatim as an amendment to section 211 of the Criminal Code by the act of March 4, 1911 (36 Stat. 1339, sec. 2).

The above are merely samples. Similar cases to three or four times the above list could readily be set forth.

Maj. F. G. Munson, also of the Judge Advocate General's office, has prepared for me a list of references to statutes carelessly drafted and which indicate the need of revision and the adoption of a uniform style and attempt at an ideal of legislative expression. In this list it appears that an act of Congress (28 Stat. 664) authorized the sale of the old Chicago post office to "the lowest and best bidder." I read from it as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, January 20, 1930.

Memorandum for Hon. ROY G. FITZGERALD, M. C. (Personal.)
Subject: Examples of defective drafting of the Federal statutes.

There follow a number of instances that have come to the attention of the undersigned of defects in the Federal statutes of rather serious import—not all such instances, but perhaps the more striking ones.

Exactly opposite word used:

The act of February 13, 1893 (28 Stat. 664) authorized the sale of the old Chicago post office to "the lowest and best bidder." (Corrected in 28 Stat. 701.)

Use of "or" for "and" as creating, apparently, a peculiar crime: Section 2, act of June 30, 1902 (32 Stat. 547), found in the United States Code as 22:79, by use of "or" where probably "and" was intended, making consular officers who fail to file bonds when they accept certain fiduciary offices guilty of embezzlement.

Denouncing both the doing of an act and the not doing it:

The so-called meat inspection act, reenacted after its original passage with the addition of just one word in its five pages of text (the word "hereafter") (34 Stat. 667 and 1263), denounces both defacing or destroying certain marks, stamps, etc., and failing to deface or destroy them. This provision is now found in United States Code, 21:79.

Peculiar references to former acts:

The act of March 3, 1891 (26 Stat. 1095), repealed, in toto, the act of June 14, 1878 (20 Stat. 113); it then proceeded to repeal "the following words of the last clause of section 2 of said act."

Revised Statutes 4264, on its face, relates to all vessels, but the act of February 27, 1877 (19 Stat. 250), amended it to include steam vessels. (I presume we must keep in mind the possibility that there had been a decision by the courts which made an apparently useless amendment necessary.)

The recent act of May 28, 1928 (45 Stat. 786) (see Supplement III 32: 181a of the U. S. C.), is entitled "An act to amend the national defense act." It incorrectly describes the act of February 14, 1927 (44 Stat. 1095), as adding an additional paragraph to section 113 of the national defense act, and ends with quotation marks at its section 1, which rather belittles its meaning. What, for example, is the act referred to in section 2 thereof?

Apparently contradictory directions to an executive official:

The Secretary of the Interior was directed in the case of certain Indian contracts, "to enter, in writing, on such original contract, on the record in the office of the Commissioner of Indian Affairs wherein such original contract is recorded," etc. (18 Stat. 36.)

Changing titles but continuing to use the old titles:

"Assignees" in bankruptcy used where an earlier act in the same volume of the statutes had changed the word to "trustee." Compare bankruptcy act of July 1, 1898 (30 Stat. 544), and the act of March 3, 1899 (30 Stat. 1191).

Title "Public Printer" adopted June 20, 1874 (18 Stat. 88), but the old title "Congressional Printer" is found in an act of the next session (18 Stat. 347).

The act of July 1, 1902 (32 Stat. 712), is entitled "An act to increase the efficiency and change the name of the United States Marine-Hospital Service." Said act changed the name to "Public Health and Marine Hospital Service of the United States." Section 11 immigration act of March 3, 1903 (32 Stat. 1213), refers to it by the old title, but section 17 thereof is impartial and refers to it by both the old and the new titles.

The same immigration act contained an error which must have caused considerable embarrassment. By the act of February 14, 1903 (32 Stat. 825), the control of immigration was transferred from the Department of the Treasury to the newly created Department of Commerce and Labor, yet the immigration act of March 3, 1903, went through to become a law with no one apparently noticing that in every place where it should have read "Secretary of Commerce and Labor" it read "Secretary of the Treasury." It took the resolution of April 28, 1904 (33 Stat. 591), to correct this error, yet the then Department of Commerce and Labor wrote me that the Secretary of Commerce and Labor had assumed jurisdiction of immigration on July 1, 1903, when the organic act creating the Department of Commerce and Labor went into effect. This, I take it, was an almost necessary assumption of power which had been expressly conferred on another executive head, simply due to careless drafting.

Section 932 of the present District of Columbia Code provides in its first sentence that the attorney for the District of Columbia shall hereafter be known as the corporation counsel. Yet the next sentence provides that certain violations shall be prosecuted by "the city solicitor." (32 Stat. 537.)

Appropriation acts not conforming to authorization acts:

By the act of February 12, 1903 (32 Stat. 825), the justices of the Supreme Court were granted an increase of salary, each member of the court thereafter to receive \$2,500 more; yet two weeks later they were appropriated for at the old rate. (32 Stat. 905.)

The converse case is found in the acts of the Forty-third Congress, where, after twice forbidding the publication of the laws in newspapers (18 Stat. 90, 317), the Congress appropriated \$50,000 for that very purpose. (18 Stat. 349.)

Repeating provisions:

I recall the advantage you mentioned in treating certain provisions of law, repeated year after year, as purely temporary legisla-

tion, viz, that the Congress then may consider annually the advisability of continuing such provisions. Yet there must be a considerable number of such repeating provisions that really raise no question of policy but are repeated solely as a matter of course. On the other hand, the questions of policy which some of these repeating provisions raise could be taken up and settled once for all.

In the 1873-1907 volume of Scott & Beaman's Index Analysis of the Federal Statutes, pages 836, 837, it will be noted that pension legislation was for many years a fertile field for such "repeaters." Thus during that period we find that—

Surgeons must be present at examinations as a condition of receiving fees appears nineteen times.

Surgeons' fees are fixed twenty-seven times.

Number of applicants to be examined in a day prescribed twenty-six times.

In identical language. Yet, by adding the word "hereafter" in the act of May 28, 1908 (35 Stat. 419), the necessity of all this repetition was done away with.

In the War Department appropriation acts, as they have appeared in recent years, you will find 18 provisions constantly repeated. (The pamphlet prepared by me entitled "The national defense act" and "The pay readjustment act," for the House Committee on Military Affairs, lists these provisions in Table B on page 7 thereof.) Now obviously some of these provisions could be settled once for all and their repetition so constantly done away with. A beginning has, in fact, been made toward this object. The act of March 7, 1923 (45 Stat. 245), embodied in permanent form certain restrictions on the purchase of horses for the Army that had theretofore been in the form of "repeaters."

If, however, as a matter of policy it is considered wiser to keep a provision in a temporary status, so to speak, it would seem that it should be so worded that there could be no doubt about the intention of the Congress. You perhaps took some part in the discussion which was very energetically carried on several years ago on the question of the admission of the children of Government employees and of Army, Navy, and Marine Corps personnel to the public schools of the District of Columbia. As I recall the debate, no one ever suggested that the provision which was being discussed was permanent law, and probably no one regards it as such. Yet in the form in which it has appeared since 1917 (its inception so far as Army and Navy personnel was concerned), it is difficult to see why it is not permanent legislation. It reads, for example, in the act of February 28, 1923 (42 Stat. 1347), just as it reads in the latest act, that of February 25, 1929 (45 Stat. 1279), viz:

"The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition."

You have felt this difficulty in the United States Code, and have attempted to meet it by the use of some such expression, in giving the later references, as that "The statutory provision constituting section 914 of this title (i. e., title 10) was repeated in the District of Columbia appropriation acts of May 10, 1926," etc. This appears to be a construction that the source act of the code is the permanent law and that the later acts are but repetitions of it, but obviously it leaves unsolved the problem of what is the law. If permanent legislation, it seems to me that you have a right to ask the Congress to tell you so in no vague and uncertain terms, but not to enact it year after year in such a form that all you can do is to pass the uncertainty on to the users of the code. This, of course, is but an example of numerous cases where you have been compelled to meet the difficulty in your supplement. The scholarly and scientific method would be a study of all these "repeaters" and then making an effort to ascertain from the various committees concerned to which they would not object being put in permanent form.

F. G. MUNSON,
Major, J. A. (D. O. L.).

Attention may be called to the fact that in the Sixty-eighth Congress the House of Representatives passed a bill (H. R. 12308) "amending certain sections of the Compiled Statutes of the United States," a private compilation, and in the Seventieth Congress a Senate bill (S. 2427) was introduced which sought to amend the General Code of the State of Ohio.

In the first instance, under authority of House Concurrent Resolution No. 48 (68th Cong., 2d sess.) the Clerk struck out the language relating to amending "sections 1575 and 1576 of the Compiled Statutes" in the engrossed bill. (See 43 Stat., pt. 2, p. 1618.)

The Senate bill sought to "enact supplemental section 8853-1 to section 8853 of the General Code relative to public railroad crossings of highways."

I read the following excerpts from addresses by the late Senator Albert J. Beveridge, the first of which appeared recently in the magazine *The Shield*, and the latter in the *Saturday Evening Post*, as follows:

No human being knows even how many statutes are hidden within the forbidding covers of the thousands of volumes that contain acts of Congress and legislatures.

No human being knows or can know what these innumerable laws mean.

No human being knows even the number of city ordinances, much less the purport of them.

No human being knows even the sum of rules and regulations that unceasingly pour from our countless bureaus, boards, commissions, and departments of Government, every one of which bureaucratic edicts has the force and effect of enactments by legislative bodies.

We complain of lawlessness, but is not the excess legislation a basic cause of lawlessness? How can anybody obey every law when nobody knows, or can know, how many laws there are or what they command or forbid?

If we, the people, no longer have the intelligence and courage to throw off the spell and command our legislators to stop deluging us with directive statutes and strangling us with autocratic regulations, we ourselves—we, the people—will have worked our own undoing, surrendered our liberties, made ourselves the slaves instead of the masters of the State. We ourselves—we, the people—will have become the Frankenstein of freedom and created the monster that will devour us.

"When the people are subjected to overmuch government the land is thrown into confusion. The greater the number of laws and enactments, the more thieves and robbers there will be."—Lao-Tze, 560 B. C.

MANY LAWS, MUCH INDIFFERENCE

There is the root of the evil, is it not?—the attempt to put all human activities into statutory strait-jackets—and these strait-jackets constructed, too, by those who know little or nothing of the industry or business they would thus encase.

We suffer from a plague of laws. Nobody knows the number of State and national laws and municipal ordinances that our legislative bodies have ground out, and it is impossible to keep track of the myriads of enactments and ordinances that pour from every lawmaking machine in America. We know only that there are hundreds of thousands of these products of the busy activity of our lawmakers, and that the number of these statutory shall and shall-nots constantly increase.

For instance, within two weeks after the convening of the present Congress 6,023 bills and 88 joint resolutions were introduced, and this proportion is maintained by most State legislatures. While, of course, comparatively few of these proposed laws are enacted, the aggregate of those that are crowded into our statute books, municipal, State, and national, is stupendous.

Indeed, to grasp the extent and multiplicity of them is beyond the power of the human mind. The most accomplished and best-informed lawyer in America does not and can not know the sum of even national legislation, to say nothing of the legal cascades that incessantly spout from our State legislatures and city councils; and there are thousands of statutes to get at the meaning of which requires careful study and delicate judgment. Yet every citizen must observe every line of them.

Can it be that this melancholy state of the public mind and feeling has to some extent been produced by excess legislation, which nobody understands but everybody must obey, and a vague fear inspired by overgovernment? Here is a serious matter for our statesmen; the public temper is more important than particular statutes.

But be that as it may, what caused the prodigious multiplication of laws which now cover the land like a tropic jungle? Was it not, perhaps, the result of wrong thinking? Did we not allow ourselves to become hypnotized by the false idea of government as an omnipotent and omniscient being which can do everything, stop all evil, give all good, make everybody prosperous, happy, and righteous?

At any rate, all of us will agree that we have too many laws and that some of them are too intricate and rigid for human uses, even for human comprehension.

I take this opportunity of calling the attention of the House to the fact that the long and arduous task of codifying the laws peculiar to the District of Columbia has been completed, and the first complete code for the District of Columbia is now available with a thorough index, tables of cross reference and of repealed statutes, history of the District with acts of cession and act of retrocession to Virginia, and appropriate maps.

Each Member of the House has two copies to his credit in the folding room, and copies may be purchased by the general public from the Superintendent of Documents for the cost of printing, \$2.

When the District was formed, Congress provided that the laws of Great Britain, in force in Maryland on February 27, 1801, and the laws of Virginia should control the portions of the District, respectively, acquired by cession from those two States. The population was sparse, and there was little or no need for many years for reference to such British statutes. They were never compiled; they were never listed and never indexed. As the years went on and the population of the District grew, and business increased in importance, it became more and more essential that the laws governing

the District should be known. They were pitfalls for the unwary, and none but lawyers with a taste for antiquarian research and ample time were able to ascertain the law in many cases. On over 80 different occasions in the local courts reference has had to be made to some of these ancient and obscure statutes, most difficult of access.

The present new Code for the District of Columbia is the first attempt to set forth completely in a single volume all of the general and permanent law relating peculiarly to the District of Columbia.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 2, line 5, strike out "paragraph" and insert "paragraph."
Page 2, after line 8, insert:

"40 Stat. 152, seventh paragraph, act of June 12, 1917, c. 27----- Title 16, sec. 116."

Page 2, strike out line 9.
Page 2, after line 9, insert:

"40 Stat. 152, twelfth paragraph, act of June 12, 1917, c. 27----- Title 16, sec. 135."

Page 2, strike out line 18.
Page 2, strike out lines 19 to 21, inclusive.
Page 2, strike out lines 22 and 23.
Page 2, strike out line 24.
Page 2, strike out line 26.
Page 2, strike out line 27.
Page 2, strike out line 28.
Page 2, strike out line 33.
Page 2, strike out line 34.
Page 2, strike out lines 35 and 36.
Page 2, strike out lines 42 and 43.
Page 2, strike out line 44.
Page 3, strike out line 1.
Page 3, strike out line 2.
Page 3, strike out line 3.
Page 3, strike out line 4.
Page 3, strike out line 5.
Page 3, strike out line 26.
Page 3, strike out lines 27 and 28.
Page 3, strike out lines 30 and 31.
Page 3, strike out lines 34 and 35.
Page 3, strike out line 39.
Page 3, strike out line 40.
Page 3, strike out line 41.
Page 4, strike out line 12.
Page 4, after line 12, insert "R. S. 4205, title 46, section 99."
Page 4, line 22, strike out "—393, first 18 paragraphs."
Page 4, line 23, strike out "336" and insert "337."

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Senate amendments were agreed to.

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 10, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, December 10, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

Sate, Justice, Commerce, and Labor Departments appropriation bill.

JOINT CONGRESSIONAL COMMITTEE ON INTERNAL REVENUE TAXATION

(10 a. m., room 321, House Office Building)

To consider depletion of mines.

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians. (H. R. 9766.)

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider the naval construction program.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

692. A letter from the Secretary of War, transmitting a draft of a bill to authorize appropriation for construction at Randolph Field, San Antonio, Tex., and for other purposes; to the Committee on Military Affairs.

693. A letter from the Secretary of War, transmitting a report from the Chief of Engineers, United States Army, on preliminary examination of Buffington Harbor, Ind.; to the Committee on Rivers and Harbors.

694. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination of Calcite Harbor, Mich.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOOD: Committee on Appropriations. H. R. 14804. A bill making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment; without amendment (Rept. No. 2084). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 14255. A bill to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain; with amendment (Rept. No. 2086). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GUYER: Committee on Claims. H. R. 5229. A bill for the relief of T. Brooks Alford; without amendment (Rept. No. 2085). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13641) granting a pension to Annie Farrell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13671) granting a pension to Loretta J. Haines; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOOD: A bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment; to the Committee of the Whole House on the state of the Union.

By Mr. BRAND of Georgia: A bill (H. R. 14805) to amend the act entitled "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alford's Bridge in the County of Hart, State of Georgia, on the national highway between these States of Georgia and South Carolina, to commemorate the memory of Nancy Hart"; to the Committee on the Library.

By Mr. CARTER of Wyoming: A bill (H. R. 14806) to authorize the erection of a United States veterans' hospital at or near Thermopolis, Wyo.; to the Committee on World War Veterans' Legislation.

By Mr. CARTWRIGHT: A bill (H. R. 14807) to authorize the Secretary of the Treasury to construct in Durant, Okla., on the site now used for a post office, an addition to the present Federal building for the use of the United States court and other Federal offices, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS: A bill (H. R. 14808) to provide for the immediate payment of the adjusted-service certificates to veterans of the World War; to the Committee on Ways and Means.

By Mr. FULMER: A bill (H. R. 14809) to provide for the immediate payment to veterans of the present value of their adjusted-service certificates; to the Committee on Ways and Means.

By Mr. GOODWIN: A bill (H. R. 14810) to authorize the erection of a convalescent hospital on the military reservation at Fort Snelling, in the State of Minnesota, and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. JAMES of Michigan: A bill (H. R. 14811) to authorize an appropriation for the purchase of land and buildings thereon joining the West Point Military Reservation, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 14812) to authorize the Secretary of the Navy to proceed with the construction of a machine-shop building at the United States navy yard, Puget Sound, Wash.; to the Committee on Naval Affairs.

By Mr. NOLAN: A bill (H. R. 14813) to provide for the erection of an addition to the United States veterans' hospital at Fort Snelling, Minn., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. SPROUL of Kansas: A bill (H. R. 14814) to provide import duties on crude petroleum and its refined products imported into the United States from foreign countries; to the Committee on Ways and Means.

By Mr. SWICK: A bill (H. R. 14815) to authorize the erection of an addition to Veterans' Bureau hospital at Aspinwall, in the State of Pennsylvania, and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. TARVER: A bill (H. R. 14816) to provide for the paving of the Government road, known as the Stephens Gap Road, commencing in the city of Chickamauga, Ga., and extending to Stephens Gap, constituting an approach road to Chickamauga and Chattanooga National Military Park; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 14817) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Utah State Capitol Museum, of Salt Lake City, Utah, the silver service in use on the U. S. S. *Utah*; to the Committee on Naval Affairs.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 14818) authorizing the payment of a pension of \$40 per month to all persons who have served 20 years or more as members of the Indian police at any agency in the United States of America; to the Committee on Indian Affairs.

By Mr. REECE: A bill (H. R. 14819) to authorize the development of an aircraft combining a heavier-than-air type of airplane with a lighter-than-air craft suitable for transport purposes for the Army Air Corps; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 14820) to amend section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, as amended; to the Committee on the District of Columbia.

By Mr. BANKHEAD: A bill (H. R. 14821) to provide for extending during the present emergency the time of payment of loans made by Federal land banks, and for other purposes; to the Committee on Banking and Currency.

By Mr. CRAIL: A bill (H. R. 14822) to amend section 2 of the Federal caustic poison act; to the Committee on Interstate and Foreign Commerce.

By Mr. McDUFFIE: A bill (H. R. 14823) to amend section 4 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," approved May 21, 1928; to the Committee on the Post Offices and Post Roads.

By Mr. MERRITT: A bill (H. R. 14824) for the relief of the State of Connecticut; to the Committee on the Judiciary.

By Mr. WAINWRIGHT: A bill (H. R. 14825) to increase the efficiency of the Medical Department of the Regular Army; to the Committee on Military Affairs.

By Mr. DICKSTEIN: Joint resolution (H. J. Res. 429) relative to fees in naturalization proceedings; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 14826) granting an increase of pension to Laura V. Kauffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14827) granting a pension to Minnie W. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14828) granting an increase of pension to Elizabeth G. Williams; to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 14829) granting a pension to Maria C. Gallagher; to the Committee on Invalid Pensions.

By Mr. BURTNESS: A bill (H. R. 14830) for the relief of the Lehigh Briquetting Co.; to the Committee on Ways and Means.

By Mr. CARTER of California: A bill (H. R. 14831) for the relief of Arthur C. Pinson and Pearl Pinson; to the Committee on Claims.

By Mr. CELLER: A bill (H. R. 14832) for the relief of Harry Gernler; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 14833) granting an increase of pension to William H. Baird; to the Committee on Pensions.

Also, a bill (H. R. 14834) granting a pension to Robert Ricketts; to the Committee on Pensions.

Also, a bill (H. R. 14835) granting a pension to Julia Benner; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 14836) for the relief of Harry Downs; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 14837) granting an increase of pension to Julia E. Spencer; to the Committee on Invalid Pensions.

By Mr. DAVILA: A bill (H. R. 14838) for the relief of J. C. Besosa; to the Committee on Insular Affairs.

By Mr. DRANE: A bill (H. R. 14839) granting an increase of pension to Bettie Spencer; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 14840) granting an increase of pension to Lola Hendershott; to the Committee on Pensions.

Also, a bill (H. R. 14841) granting an increase of pension to Louise Hendershott; to the Committee on Pensions.

Also, a bill (H. R. 14842) for the relief of George Tatum; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 14843) for the relief of Bernard McShane; to the Committee on Claims.

By Mr. EVANS of California: A bill (H. R. 14844) granting a pension to Harriet A. Pearman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14845) granting a pension to Andrew H. Thomas; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 14846) granting a pension to Rosetty Norton; to the Committee on Invalid Pensions.

By Mr. GRANFIELD: A bill (H. R. 14847) for the relief of Peter Bess; to the Committee on Claims.

Also, a bill (H. R. 14848) granting an increase of pension to Hannah Corbett; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H. R. 14849) granting an increase of pension to Elizabeth Corbley; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 14850) for the relief of Lieut. Enoch Graf; to the Committee on Claims.

By Mr. HOGG of West Virginia: A bill (H. R. 14851) granting an increase of pension to Julian E. Cooper; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 14852) granting a pension to Ellen J. Ludlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14853) granting a pension to Harry M. Snow; to the Committee on Pensions.

Also, a bill (H. R. 14854) granting an increase of pension to Evvah A. Dickson; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 14855) granting an increase of pension to Sarah F. Downard; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 14856) granting an increase of pension to Marietta Louder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14857) extending the time for consideration of application for retirement of Douglass G. Stewart under the emergency officers' retirement act; to the Committee on Naval Affairs.

By Mr. JOHNSON of Illinois: A bill (H. R. 14858) granting an increase of pension to Helen J. Avery; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 14859) granting a pension to Sally Stedman; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 14860) granting a pension to Catherine Glasscock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14861) granting a pension to Mary Jane Mott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14862) granting an increase of pension to Susan Haminstine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14863) granting an increase of pension to Margaret E. Brammer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14864) granting an increase of pension to Clarinda Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14865) granting an increase of pension to Mary M. Kimes; to the Committee on Invalid Pensions.

By Mr. MCLEOD: A bill (H. R. 14866) for the relief of Detroit Fidelity & Surety Co.; to the Committee on Claims.

By Mr. MARTIN: A bill (H. R. 14867) for the relief of William Cross; to the Committee on Naval Affairs.

By Mr. MENGES: A bill (H. R. 14868) granting an increase of pension to Sarah Keller; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 14869) granting an increase of pension to Jennie A. Whitney; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 14870) for the relief of the Engineers Club, of Seattle, Wash.; to the Committee on Claims.

By Mr. MOORE of Kentucky: A bill (H. R. 14871) granting a pension to Carrie Runner; to the Committee on Pensions.

Also, a bill (H. R. 14872) granting a pension to Oliver Grimes; to the Committee on Pensions.

By Mr. MOONEY: A bill (H. R. 14873) granting compensation to Harriet M. MacDonald; to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 14874) granting a pension to Margaret Elizabeth Thuma; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14875) granting an increase of pension to Ida M. Stough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14876) granting an increase of pension to Sarah L. Hobbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14877) granting an increase of pension to Mariah Dry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14878) granting an increase of pension to Clara M. Mossbrooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14879) granting an increase of pension to Margaret V. Myers; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 14880) granting an increase of pension to Sarah Elizabeth Dyer; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 14881) for the relief of Theodore Lyons; to the Committee on Military Affairs.

By Mr. FRANK M. RAMEY: A bill (H. R. 14882) for the relief of John S. Goehe; to the Committee on Claims.

Also, a bill (H. R. 14883) for the relief of Lewis Isbell; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 14884) granting a pension to Eleanor Emma Bliss; to the Committee on Pensions.

By Mr. BOWBOTTOM: A bill (H. R. 14885) granting an increase of pension to Louisa Montgomery; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 14886) granting an increase of pension to Evelyn Qualls; to the Committee on Invalid Pensions.

By Mr. BOWBOTTOM: A bill (H. R. 14887) granting a pension to Arda P. Lemmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14888) granting an increase of pension to Sarah Wood; to the Committee on Invalid Pensions.

By Mr. SCHAFER of Wisconsin: A bill (H. R. 14889) granting a pension to Charles W. Bentley; to the Committee on Pensions.

By Mr. SHORT of Missouri: A bill (H. R. 14890) granting an increase of pension to Margret McDowell; to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 14891) granting an increase of pension to Mary E. Bailey; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 14892) granting an increase of pension to Walker Cooper; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 14893) granting a pension to Clara Stanley; to the Committee on Pensions.

Also, a bill (H. R. 14894) granting a pension to Sinia A. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14895) for the relief of George W. Collins; to the Committee on Naval Affairs.

By Mr. THATCHER: A bill (H. R. 14896) granting a pension to Effie L. Addis; to the Committee on Pensions.

Also, a bill (H. R. 14897) for the relief of James A. A. Rodman; to the Committee on Military Affairs.

Also, a bill (H. R. 14898) for the relief of John Bryson; to the Committee on Military Affairs.

By Mr. WHITLEY: A bill (H. R. 14899) granting an increase of pension to Gertrude M. Chapin; to the Committee on Invalid Pensions.

By Mr. WIGGLESWORTH: A bill (H. R. 14900) granting a pension to Annie Dougherty; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of West Virginia: A bill (H. R. 14901) granting an increase of pension to Sarah C. Kirkpatrick; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 14902) granting an increase of pension to Mary Brubaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14903) granting an increase of pension to Emma Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14904) granting a pension to Joseph Dixon Snodgrass; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 14905) granting an increase of pension to Sarah M. Flowers; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7845. By Mr. GARBNER of Oklahoma: Petition of the executive committee of the Hillerman Woman's Christian Temperance Union, Enid, Okla., urging support of House bill 9986 providing for Federal supervision of films to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7846. By Mr. McKEOWN: Petition of the Bernard Gill Post, American Legion, State of Oklahoma, Shawnee, Okla., asking Congress to issue negotiable coupon United States bonds to pay off the adjusted-service certificates; to the Committee on World War Veterans' Legislation.

7847. Also, memorial of H. G. Turner and other post-office employees of the Okemah (Okla.) post office requesting that House bills 3087 and 6603 be passed immediately; to the Committee on the Post Office and Post Roads.

7848. By Mr. O'CONNELL: Petition of Queensboro Federation of Mothers Clubs, favoring the passage of the Reed-Curtis bill; to the Committee on Education.

7849. By Mr. PATMAN: Petition of Thomas Chamberlain and 387 citizens and veterans of Great Falls, Mont., presented through Arthur F. Peabody, urging the immediate payment of the adjusted-service certificates now held by veterans of the World War; to the Committee on Ways and Means.

7850. Also, petition of Charles H. Donnell, of Ansonia, Conn., and 100 other veterans and citizens from the State of Connecticut, presented through Arthur F. Peabody, urging the immediate payment of adjusted-service certificates now held by World War veterans; to the Committee on Ways and Means.

7851. Also, petition of Peter Wafier and 114 other veterans and citizens of Orrville, Ohio, presented through Arthur F. Peabody, urging the immediate payment of adjusted-service certificates now held by World War veterans; to the Committee on Ways and Means.

7852. By Mr. HENRY T. RAINEY: Petition of members of Burlington Chapter, No. 22, Veterans' Association, and Ladies' Auxiliary, Chapter No. 12, Beardstown, Ill., opposed to State or Government operating our waterways for commercial purposes, and opposed to trucks and busses using State-aid highways for commercial purposes, and while they use them that a heavy tax be placed upon them; that the size and tonnage of busses and trucks be regulated by law; to the Committee on Interstate and Foreign Commerce.

7853. By Mr. SCHAFER of Wisconsin: Petition of members of Cleary Post, No. 115, American Legion, Elroy, Wis., in favor of the immediate cash payment of the adjusted compensation (bonus); to the Committee on Ways and Means.

7854. Also, petition of veterans of the World War and members of the National Home, Wisconsin, in favor of the immediate cash payment of the adjusted compensation (bonus); to the Committee on Ways and Means.

7855. By Mr. WIGGLESWORTH: Petition of Mrs. Gilbert T. Chapin, of Brockton, Mass., and 1,800 residents of the fourteenth Massachusetts congressional district, urging the passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, DECEMBER 10, 1930

(Legislative day of Tuesday, December 9, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10198) to repeal obsolete statutes and to improve the United States Code.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 328. An act for the relief of Edward C. Dunlap;

H. R. 1759. An act for the relief of Laura A. DePodesta;

H. R. 1825. An act for the relief of David McD. Shearer; and

H. R. 10198. An act to repeal obsolete statutes and to improve the United States Code.

SENATOR FROM KANSAS

The VICE PRESIDENT laid before the Senate the credentials of ARTHUR CAPPER, chosen a Senator from the State of Kansas for the term commencing March 4, 1931, which were read and ordered to be placed on file.

WITHDRAWALS AND RESTORATIONS OF PUBLIC LANDS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, copy of letter of the Commissioner of the General Land Office, dated December 8, 1930, together with a report of the withdrawals and restorations of public lands as contemplated by the act approved June 25, 1910 (36 Stat. 847), which, with the accompanying papers, was referred to the Committee on Public Lands and Surveys.

REPORT OF BELLEAU WOOD MEMORIAL ASSOCIATION

The VICE PRESIDENT laid before the Senate a communication from Elizabeth Van Rensselaer Frazer, honorary president of the Belleau Wood Memorial Association, submitting the annual report of the association, which, with the accompanying papers, was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Second Oregon Volunteer Infantry Association, favoring the passage of legislation which, in the event of war, would provide for the conscription of all wealth, labor, and property for the service of the Government, which were referred to the Committee on Military Affairs.

He also laid before the Senate resolutions of the Ministerial Alliance and its allied societies adopted at Joplin, Mo., favoring adhesion by the United States to the protocols for the World Court, which were referred to the Committee on Foreign Relations.

He also laid before the Senate a communication in the nature of a petition from the president of the Russian Veterans' Society of the World War, Seattle, Wash., praying for the passage of legislation for the relief of Russian invalid World War veterans, which was referred to the Committee on Finance.

He also laid before the Senate a communication from Warren H. Richards and Stanley N. Taylor, students of the Northeast High School, Philadelphia, Pa., submitting a relief plan for the unemployment situation, which was referred to the Committee on Finance.

He also laid before the Senate a communication from John Wuchter, of Portland, Ore., relative to an invention for propelling ocean vessels 25 per cent faster and lessening vibration, which, with the accompanying paper, was referred to the Committee on Commerce.

He also laid before the Senate a communication from Patrick Gallagher, a citizen of New York and resident of the District of Columbia, relative to the Philippine problem and related matters, which, with the accompanying memorandum, was referred to the Committee on Foreign Relations.

PROPOSED FEDERAL BUILDING AT BOONVILLE, IND.

Mr. ROBINSON of Indiana presented a resolution adopted by the Boonville (Ind.) Business Men's Association, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

Whereas the receipts of the post office of the city of Boonville, Ind., fall short only a small amount of the estimated \$20,000 of receipts per annum necessary to entitle us to a new Federal building; and